

# EXHIBIT 1

# TENNESSEE GENERAL ASSEMBLY

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## SENATE BILL 0003

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**LEGISLATIVE HISTORY - TENNESSEE GENERAL ASSEMBLY**

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**VIDEO RECORDINGS**

**of**

**Public Chapter No. 2  
House Bill No. 3**

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IN THE SENATE JUDICIARY COMMITTEE  
TENNESSEE GENERAL ASSEMBLY

January 31, 2023

(WHEREUPON, On the above date, there came up for consideration in the Senate Judiciary Committee of the Tennessee General Assembly, Senate Bill 0003, sponsored by Senator Johnson and others. Discussion pertaining to this bill was as follows):

CHAIRMAN (SENATOR GARDENHIRE): Leader Johnson, you're up and you're first on the calendar.

SENATOR JOHNSON: Thank you, Mr. Chairman and Members. Good afternoon. It's good to be back with you. It's good to be your first bill of the year. Senate Bill 0003, I'm here to present. There's an amendment that makes the bill, Mr. Chairman.

If we could get a motion to get the bill properly before us.

CHAIRMAN (SENATOR GARDENHIRE): Senator Stevens makes a motion on the bill. Senator Rose seconds it.

Is there any discussion on getting the

1 bill in proper form?

2 UNIDENTIFIED SPEAKER: Move the  
3 amendment.

4 CHAIRMAN (SENATOR GARDENHIRE): Move the  
5 amendment. I Have a second also from Rose. We need  
6 to vote on a bill being in front of us and then the  
7 amendment.

8 So all in favor of the bill -- well,  
9 I'm sorry -- the amendment. All in favor of the  
10 amendment, which is drafting code 3058, say aye.

11 MEMBERS: (Collectively) Aye.

12 CHAIRMAN (SENATOR GARDENHIRE): Oppose,  
13 nays.

14 MEMBERS: (Collectively) No audible  
15 response.

16 CHAIRMAN (SENATOR GARDENHIRE): Ayes  
17 have it. It's on the bill.

18 Senator -- Leader Johnson, do you want  
19 to describe the amendment that makes the bill?

20 SENATOR JOHNSON: Thank you,  
21 Mr. Chairman. I'd be glad to.

22 Members, Senate Bill 0003 as amended  
23 would clarify current law by requiring that  
24 adult-oriented performances may only be held in  
25 age-restricted venues and may never be held in

1 public -- on public property.

2 Mr. Chairman, under current law,  
3 businesses that predominantly provide  
4 adult-oriented entertainment must be licensed and  
5 age restricted to prevent children from attending  
6 and being present when the adult-themed  
7 entertainment is taking place.

8 The bill that's before you now simply  
9 clarifies that if this type of adult-oriented  
10 entertainment occurs in locations that are not  
11 required to be regulated under the current adult  
12 entertainment law, because the adult entertainment  
13 is not the predominant business, say for example,  
14 if this entertainment is taking place in a  
15 restaurant, then that business must ensure that the  
16 location is age restricted and that children are  
17 not allowed to view the performance.

18 I want to be very clear, Mr. Chairman  
19 and Members, the bill only applies to performances  
20 that are considered harmful to minors. I'd like to  
21 pause there for a moment, because this is not a  
22 newly defined term. The term "harmful to minors"  
23 currently exists in our obscenity statute. It is  
24 in current law, and I'd would like to read from  
25 that, if I could, very briefly, Mr. Chairman.

1                   In 39-17-901, under "definitions,"  
2   'harmful to minors' means that the quality of any  
3   description or representation, in whatever form, of  
4   nudity, sexual excitement, sexual conduct,  
5   excessive violence... abuse when the matter or  
6   performance would be found" -- this is an existing  
7   code -- "would be found by the average person  
8   applying contemporary community standards to appeal  
9   predominantly to the prurient interests or shameful  
10   or morbid interests of minors."

11                  Mr. Chairman, that language that I just  
12   read to you exists currently in our code, and it's  
13   in the obscenity statute. And, again, this cite is  
14   39-17-901.

15                  The bill I'm presenting before you  
16   today simply says that that type of entertainment  
17   that is already defined in statute cannot take  
18   place on public property, nor can it take place in  
19   a private venue where children are present.

20                  Mr. Chairman, it doesn't ban that type  
21   of entertainment. It simply says it can't be done  
22   on public property, and if it's going to be done in  
23   a private venue, then you have to ensure that  
24   children are not present. That's the bill. That's  
25   what the bill does, Mr. Chairman. This is a

1 commonsense safety bill for the children, and I'd  
2 appreciate the committee's support.

3 CHAIRMAN (SENATOR GARDENHIRE): Do any  
4 committee members have any questions at this time?

5 I see none. I will say one thing and  
6 kind of digress just a minute.

7 I'm a little bit old-fashioned -- and  
8 if you'll hold your hands down, I think I can see  
9 people okay.

10 I was brought up where men don't wear  
11 hats inside a building. Thank you.

12 Also, we don't allow signs to be held  
13 up or distractions from the audience. Having said  
14 that, now, senators, do you have a question,  
15 please --

16 Pardon me?

17 SENATOR LAMAR: (Response off  
18 microphone.)

19 CHAIRMAN (SENATOR GARDENHIRE): Yes. Go  
20 ahead. Feel free. You got the floor.

21 SENATOR LAMAR: Thank you, Mr. Chairman.

22 Hello, Leader. I wanted to ask a few  
23 questions for clarification. It sounded like based  
24 on current law we already have a very clear  
25 definition of obscenity. Is this really creating a

1 new definition? And also, who would this bill  
2 punish? Would it punish the business or would it  
3 punish the performer?

4 SENATOR JOHNSON: I will answer your  
5 second question first, Senator, and thank you for  
6 the question. The criminal penalty -- which I'm  
7 glad you brought that up because I should have read  
8 that into the record.

9 There is a first offense violation  
10 that's in the bill before you now and it would be  
11 applied to the performer, the person who is  
12 performing the adult-themed or the sexually graphic  
13 entertainment. And the first offense would be a  
14 Class A misdemeanor. The second or subsequent  
15 offense would be a Class E felony.

16 And in terms of newly defined terms,  
17 again, much of this is in existing code relative to  
18 "adult cabaret entertainment" -- is the way it's  
19 defined in existing code. We did the  
20 cross-reference relative to the "harmful to  
21 minors." And as I mentioned in 39-17-901, to make  
22 sure that we were being consistent with what is  
23 already defined in code as harmful to minors and  
24 it's considered obscene.

25 CHAIRMAN (SENATOR GARDENHIRE): Chairman

1 Lamar, do you have a follow-up question? Go ahead.

2 SENATOR LAMAR: Yes. Just two more  
3 questions if you don't mind my indulgence, please,  
4 if that's okay.

5 My next question is can you -- it  
6 sounds like -- I haven't heard of any examples of  
7 this being an issue. Could you kind of talk about  
8 where this problem that we're trying to solve  
9 derived from or any examples of issues that have  
10 arisen to bring forth this bill?

11 SENATOR JOHNSON: Certainly. There have  
12 been a number of instances over the last year, year  
13 and a half, maybe two years where a video has  
14 surfaced of performances or some type of  
15 entertainment taking place in the presence of  
16 children, perhaps on public property or maybe in a  
17 private venue where children were present that I  
18 think any reasonable person, upon watching some of  
19 that video, would say that's in violation of the  
20 obscenity statute that we already have in current  
21 code.

22 Perhaps you didn't receive the calls,  
23 Senator, but I know I received hundreds of calls,  
24 e-mails from outraged parents that this type of  
25 performance was taking place in front of kids.

1 That is what led me and the house sponsor to begin  
2 investigating this. We had some conversations with  
3 district attorneys, law enforcement relative to the  
4 existing statute and, in fact, identified something  
5 of a loophole.

6 As I said in my opening comments, we  
7 have adult-themed establishments, venues where  
8 adult-themed entertainment takes place. They exist  
9 here in Nashville. They are in some of your larger  
10 cities, and they are very heavily regulated and  
11 they must be age restricted. They don't allow  
12 children in to witness this type of entertainment.  
13 But, in fact, there's a bit of a loophole in our  
14 law that would allow that type of entertainment to  
15 take place in public settings, and that's what  
16 we're trying to clarify. We're just simply trying  
17 to apply the same standards to this adult-themed  
18 sexually explicit entertainment that can take place  
19 in these heavily regulated establishments. Why in  
20 the world would we allow that same type of  
21 entertainment to take place in a public park or in  
22 some other area where children are present?

23 CHAIRMAN (SENATOR GARDENHIRE): Chairman  
24 Lamar?

25 SENATOR LAMAR: Thank you, Mr. Chairman.



1           Last question. It gives -- I feel like  
2 the law is a little murky because when I think  
3 about -- when I think about concerts, WWE  
4 performances where people dress up in costumes,  
5 they are pretty bare in their clothing. We take  
6 our kids to concerts, major artists who perform  
7 where the dancers are wearing clothing that can be  
8 considered revealing.

9           How does this law differentiate from  
10 those and how did -- you know, because I feel like,  
11 based on what you're saying, it could apply to  
12 everyday performances that we see all the time  
13 where people are dressed. But it sounds like this  
14 law is up to an individual's discretion on what  
15 they consider appropriate and what they consider  
16 not.

17           So how do we differentiate in this  
18 particular law or how do we allow people who are  
19 entertainers to continue to entertain, but some of  
20 the things that they wear that we think is  
21 perfectly appropriate as parents not fall in this  
22 law?

23           CHAIRMAN (SENATOR GARDENHIRE): Leader  
24 Johnson?

25           SENATOR JOHNSON: Thank you,

1 Mr. Chairman.

2 Well, I will refer you again to the  
3 existing statute where the obscenity definitions  
4 are found, 39-17-901 -- and I haven't read all of  
5 it, but certainly anyone who is watching can go  
6 back and look at existing code. And specifically,  
7 with the "harmful to minors" language that I  
8 referenced earlier, which is what this bill is  
9 dealing with, only when kids are present, "harmful  
10 to minors" means that quality of any description or  
11 representation of whatever form of nudity, sexual  
12 excitement, sexual conduct, excessive violence,  
13 abuse would be found by the average person applying  
14 contemporary community standards to appeal  
15 predominantly to the prurient, shameful, or morbid  
16 interest of minors.

17 Now, you mentioned several things,  
18 Senator. You mentioned WWE. I've heard other  
19 people refer to cheerleaders or bachelorette  
20 parties on Broadway. I think that this language is  
21 pretty clear at what we're trying to get at, and it  
22 is blatantly sexually explicit entertainment  
23 simulating sex acts. Things that I think any  
24 reasonable person as the statute defines here that  
25 any reasonable person would look at and see and

1 deem that to be inappropriate.

2 Now, as with any law we pass up here,  
3 Members, certainly, there will be prosecutorial  
4 discretion, and I agree with Senator Lamar what  
5 might be considered to be offensive to one person  
6 might not be offensive to another person. I  
7 certainly understand that. That's why we have DAs;  
8 that's why we have law enforcement; that's why we  
9 have people to make the appropriate decisions.

10 And in the event that one of these  
11 instances led to a prosecution, then it would  
12 ultimately go to a jury of their peers, which they  
13 would then make that determination. So that's why  
14 we cross-referenced the existing statute that has  
15 been on the books for decades -- many, many  
16 decades -- relative to obscenity.

17 CHAIRMAN (SENATOR GARDENHIRE): Senator  
18 Lamar, would you like to ask?

19 SENATOR LAMAR: Thank you, Mr. Chairman.

20 CHAIRMAN (SENATOR GARDENHIRE): At this  
21 time, we have two witnesses that's going to come up.  
22 London Starbuck is going to come up and talk for the  
23 bill. And then after that person comes up, David  
24 Taylor is going to come up. Only one person at the  
25 witness table. The rules were set last week on any

1 bills that come up, equal number of witnesses.

2 So, Landon Starbuck, where are you?

3 We're going to go out of session.

4 Please identify yourself, who you're  
5 with if you're with anybody, turn the mic on, make  
6 sure -- and speak into the microphone.

7 WITNESS (Ms. Starbuck): I'm Landon  
8 Starbuck. I'm here today as an advocate for  
9 children harmed by child sexualization and  
10 exploitation. I'm a mother of three and the founder  
11 of Freedom Forever, which combats all forms of child  
12 exploitation. There's a pandemic of child sexual  
13 abuse in America where the demand to sexually abuse  
14 and exploit children has never been greater. I'm  
15 here today to educate on how early sexualization and  
16 exposure to explicit adult content via adult  
17 entertainment harms children. It grooms them into  
18 accepting adult sexual behavior as normal, healthy,  
19 and even celebrated while it encourages them to  
20 simulate and participate in high-risk sexual  
21 behaviors.

22 When a child is sexualized, they don't  
23 just lose their innocence and childhood, but the  
24 sexual desensitization they experience renders them  
25 more vulnerable to sexual predation as they are

1 groomed into accepting being sexualized.

2           Allowing and normalizing the  
3 sexualization of children empowers child predators  
4 and increases the demand to exploit and sexually  
5 abuse children. Child sex trafficking surveyor,  
6 leader, Dr. Jennisue Jessen shared the following  
7 statement. "I learned from the ages of 4 to 17  
8 that those who exposed children to sexually  
9 explicit material do so with a very clear purpose  
10 in mind. Through the sexually explicit images and  
11 behavior I was forced to see or watch, sexual  
12 contact was normalized. The sexual acts expected  
13 of me were taught and shame-based secrets were  
14 created that distanced me from those who might have  
15 protected me. The graphic images seared into my  
16 brain then became my reality when the perpetrators  
17 acted on what they had shown me. My story is not  
18 unique."

19           Dr. Jessen's lifelong experience and  
20 expertise on preventing sexual abuse is counsel we  
21 should heed.

22           This past year, I've been exposing this  
23 new toxic trend of exposing children to adult  
24 sexually charged entertainment. Many child  
25 protective advocates have discovered a pattern with

1 these events popping up all over the state, all  
2 over the country. The pervasive themes we  
3 documented include subjecting children to grown  
4 adults stripping clothing off, rubbing their  
5 genitalia, simulating sex positions, spreading  
6 their legs in front of children, making sexually  
7 charged comments about their genitalia, grinding,  
8 gyrating, spanking, and exposing their  
9 undergarments while knowing their children are  
10 present and watching. These things have occurred  
11 while being called "family friendly" and marketed  
12 as such.

13 We don't need a PhD to tell us that  
14 children mimic the behaviors they are exposed to.  
15 Any parent in this room can testify to that. So  
16 when children are legally permitted to sit and  
17 watch an adult strip off pieces of clothing and  
18 simulate sexual behavior as an audience  
19 thunderously claps and rewards the performer with a  
20 monetary gift of dollar bills, what does that child  
21 learn?

22 CHAIRMAN (SENATOR GARDENHIRE): Thirty  
23 seconds.

24 WITNESS (Ms. Starbuck): They learn that  
25 sexuality is a vehicle for attention, affirmation,

1 and money. You can get paid to take off your  
2 clothes and sexualizing yourself. People will love  
3 you for sexualizing yourself to please them. It's  
4 no wonder we have skyrocketing mental health crisis  
5 amongst our confused and vulnerable youth with more  
6 sexual exploitation crimes reported than ever  
7 before. The harm on children is calculable, not  
8 subjective. It's either right or wrong morally and  
9 is either tolerated or not tolerated by the law.

10 CHAIRMAN (SENATOR GARDENHIRE): Thank  
11 you very much. We have limited witnesses to three  
12 minutes. That was described last year.

13 Sir, if you raise your hand one more  
14 time you're going to be escorted out of this room.

15 Any members have any questions?

16 Chairman [sic] Lamar?

17 SENATOR LAMAR: Thank you, Mr. Chairman.

18 So this bill is talking about public  
19 places but everything you've talked about --  
20 currently, the current law protects against this,  
21 so how is this bill going to help you even further?

22 WITNESS (Ms. Starbuck): Well,  
23 unfortunately there's different subjective  
24 interpretations of the existing obscenity law and  
25 there is clarification needed to further protect

1 children because the risk to them has never been  
2 greater.

3 CHAIRMAN (SENATOR GARDENHIRE): Chairman  
4 Lamar?

5 SENATOR LAMAR: Do you feel like parents  
6 are not smart enough to protect their children?

7 AKA, if they wanted to take them to one of these  
8 shows, do you think that they are not smart enough  
9 to know the difference between something that is  
10 appropriate or not appropriate? Are we trying to  
11 make decisions for parents with this bill? Is that  
12 what you're saying?

13 WITNESS (Ms. Starbuck): I think the  
14 responsibility is on parents when they see. The  
15 moment they see an adult spreading their legs and  
16 rubbing their genitalia in front of their child,  
17 that's where their parental rights end and that's  
18 where a crime is committed.

19 CHAIRMAN (SENATOR GARDENHIRE): Senator  
20 Lamar?

21 SENATOR LAMAR: Where are you seeing  
22 this going down?

23 WITNESS (Ms. Starbuck): This has been  
24 all over the state documented. I've documented it.  
25 It's been in the mainstream media outlets. It's



1 been all across our country.

2 SENATOR LAMAR: Where in Tennessee --  
3 can you give me a specific example --

4 WITNESS (Ms. Starbuck): Boro Pride even  
5 recently happened.

6 CHAIRMAN (SENATOR GARDENHIRE): Ma'am,  
7 ma'am. Let the senator ask her question.

8 WITNESS (Ms. Starbuck): Oh, okay.

9 SENATOR LAMAR: I was asking,  
10 specifically in Tennessee, can you give me a  
11 specific example of where and what was going on that  
12 you are saying these acts are going on?

13 WITNESS (Ms. Starbuck): Yes. Boro  
14 Pride recently happened in Murfreesboro, Tennessee,  
15 where an adult performer was talking about their  
16 tits and rubbing their genitalia, grinding on the  
17 ground and spreading their legs in front of  
18 children. That was one of them.

19 CHAIRMAN (SENATOR GARDENHIRE): Chairman  
20 Lamar?

21 SENATOR LAMAR: So at a private event,  
22 that's an event that someone has discretion to  
23 decide to go to. So why do you feel that it is your  
24 responsibility to stop individuals from exercising  
25 their freedom to go see a show they choose to go to?

1           WITNESS (Ms. Starbuck): Oh, it's not my  
2 decision at all. It's the individual's decision.  
3 But we have laws. We have current existing statutes  
4 that have to be implemented and followed.

5           CHAIRMAN (SENATOR GARDENHIRE): Chairman  
6 Lamar?

7           SENATOR LAMAR: Thank you, Mr. Chairman.

8           CHAIRMAN (SENATOR GARDENHIRE): I got  
9 it.

10          Chairman Roberts?

11          SENATOR ROBERTS: Thank you. I have a  
12 question for Landon, but I'm going to reference  
13 Senator Lamar, Tennessee Tech, August of this past  
14 year.

15          So on Tennessee Tech's campus, a public  
16 university, there was a show that performed at -- I  
17 believe it was called the Backdoor Theater, and you  
18 had posted a video of this and I guess what I  
19 wanted to do was to give you an opportunity, and I  
20 apologize if it's graphic, but children were giving  
21 money to the performers. And I'm wondering if you  
22 could just -- why are children giving money to a  
23 performer? What was the performer doing that the  
24 child was giving money to them for?

25        ///

1 CHAIRMAN (SENATOR GARDENHIRE):

2 Ms. Starbuck, you are recognized.

3 WITNESS (Ms. Starbuck): Thank you.

4 I'm not sure the children are aware  
5 what is going on; so this is the problem. They are  
6 seeing adults clap every time an article of  
7 clothing is removed, the adults are thunderously  
8 clapping. And so they are making associations  
9 seeing that when you take your clothes off, you're  
10 rewarded with money and people clap for you, and  
11 that is really -- that's the sexual, you know,  
12 harms that are being caused here by witnessing  
13 something, even if it's not necessary explicit in  
14 that particular moment. But continuing that  
15 behavior is sending that message to children and  
16 its normalizing that sexual exploitation.

17 CHAIRMAN (SENATOR GARDENHIRE): Chairman  
18 Roberts?

19 SENATOR ROBERTS: Thank you.

20 CHAIRMAN (SENATOR GARDENHIRE): Anybody  
21 else have any questions for this witness?

22 Seeing none. Thank you for your time.

23 Now we have -- David Taylor is going to  
24 be up here.

25 David, you have three minutes. We will

1 keep a clock and let you know. Introduce yourself  
2 and tell us who you're with.

3 WITNESS (Mr. Taylor): Thank you,  
4 Mr. Chairman. I'm David Taylor. I'm co-owner of  
5 four businesses in Nashville. They are welcoming to  
6 everyone but cater predominantly to the LGBTQ+  
7 community. My businesses alone have contributed  
8 more than \$13 million to the state in the form of  
9 sales and liquor taxes since we opened. And each  
10 year more than 200 people made all or part of their  
11 livings from our businesses, including 13 full-time  
12 and more than 60 guest drag performers with a total  
13 annual payroll of \$3 million.

14 We're just one of many such businesses  
15 in the state. We're proud of ore performers.  
16 Seven have been cast on the national television  
17 show, RuPaul's Drag Race, with two placing in the  
18 top three of their season.

19 Our shows are fun, lively, campy,  
20 theatrical, clever, dramatic, enjoyous [sic], but  
21 never of a prurient nature; and our performers are  
22 certainly not adult cabaret performers.

23 We know this because we have a  
24 Tennessee liquor license and are bound by the  
25 Tennessee liquor laws. These laws are aggressively

1 enforced by the Alcoholic Beverage Commission and  
2 prohibit nudity as well as simulated sexual acts  
3 and other lewd behaviors. In our more than 20  
4 years in business, we have not received a citation  
5 for one of our drag performers. In short, the  
6 Tennessee ABC has never viewed our performers as  
7 cabaret or adult performers.

8           With two decades of monitoring our  
9 shows this operation -- in operations is proof.  
10 Another business of ours offers a downtown bus tour  
11 hosted by drag performers, and it's frustrating to  
12 us that a fully costumed drag queen seen through a  
13 bus window lip-syncing Tina Turner might be charged  
14 under this bill, especially since none of our  
15 performers on this bus has ever shown any more skin  
16 than a Titans cheerleader on a Sunday afternoon.

17           This bill places male and female  
18 impersonation in the category of strippers, go-go  
19 dancers, and exotic dancers, and that's the  
20 problem. The last three, the dancers, are all  
21 related to behavior. Impersonation is solely based  
22 on the choice of clothing by a human being. What  
23 someone wears, their outfit, the costume, their  
24 makeup, that defines a male or female impersonator,  
25 and we're -- we're adding that to a list of

1 unacceptable behaviors that are longstanding.

2 And so what else might that include?

3 Is it the group of birthday girls in Memphis that  
4 decide to dress like Elvis for a night and dance on  
5 the public street or megastar Harry Styles when he  
6 performs in Knoxville in a dress? Our theaters,  
7 TPAC, when they perform "Hairspray", "Chicago", or  
8 "Mrs. Doubtfire," could people be arrested and  
9 charged for that?

10 If all impersonators are labeled adult  
11 cabaret performers, how does that impact liquor  
12 laws and my ability to operate the same as I have  
13 for the past 20 years? In so many of our states,  
14 hotels, and restaurants offer popular drag brunches  
15 as tourist draws.

16 CHAIRMAN (SENATOR GARDENHIRE): Thirty  
17 seconds.

18 WITNESS (Mr. Taylor): They happen  
19 every -- in every one of our major cities and there  
20 are at least ten in Nashville alone. Are their  
21 performers subject to arrest and fines, even if a  
22 minor walks by and sees the performance of a Dolly  
23 Parton impersonator doing "9 to 5." And I think  
24 Dolly Parton even says she's a female impersonator.  
25 So, you know, I'm not sure about that.

1           So, you know, when Governor Lee talks  
2 about a return to civility, which I certainly  
3 applaud, I believe in being civil and welcoming to  
4 all Tennesseans. But this legislation to me isn't  
5 about civility or protecting children. It's about  
6 curtailing business and the free expression of our  
7 citizens with a giant can of worms in my mind about  
8 interpretation and enforcement and so I ask that  
9 you oppose this bill.

10           CHAIRMAN (SENATOR GARDENHIRE): Thank  
11 you. We allowed you to run over, but that's -- you  
12 weren't finished and I could tell you weren't.

13           Do we have any questions from the  
14 panel?

15           Seeing none, thank you for coming and  
16 thank you for your testimony.

17           WITNESS (Mr. Taylor): Thank you.  
18 Appreciate your service.

19           CHAIRMAN (SENATOR GARDENHIRE): We are  
20 now back in session.

21           Is there any comments or questions to  
22 the sponsor of the bill?

23           Oh, Senator Roberts -- chairman  
24 Roberts?

25           SENATOR ROBERTS: Thank you,

1 Mr. Chairman. I have a question for the sponsor,  
2 please.

3 CHAIRMAN (SENATOR GARDENHIRE): Go  
4 ahead.

5 SENATOR ROBERTS: In the previous  
6 testimony, there was kind of a list of things  
7 that -- that -- are these things that are going to  
8 be illegal under this bill? Because in my reeding  
9 of the bill as amended, I don't see that these  
10 things are illegal.

11 Could you share your insight on that,  
12 please?

13 CHAIRMAN (SENATOR GARDENHIRE): Thank  
14 you.

15 Leader Johnson?

16 SENATOR JOHNSON: Thank you,  
17 Mr. Chairman.

18 No. The gentleman who testified just  
19 most recently, it was a gross mischaracterization  
20 of the bill. And I would encourage anyone who is  
21 watching at home or here today to be aware of that.  
22 He mentioned several hypothetical examples of  
23 someone, a female dressed as Elvis or someone  
24 dressed as Dolly Parton. I don't know how I can be  
25 more clear, Mr. Chairman. This bill only deals



1 with sexually explicit, sexually graphic  
2 entertainment.

3 Another thing that was brought up by  
4 the most recent witness is relative to the  
5 definition of adult cabaret. That definition  
6 already exists. It's in statute 7-51-1401, "'adult  
7 cabaret' means a cabaret that features topless  
8 dancers, go-go dancers, exotic dancers, strippers,  
9 male or female impersonators, or similar  
10 entertainers."

11 That is language that has been on the  
12 books for many, many decades. The legislation that  
13 I'm bringing you today does nothing to change, to  
14 add or subtract to that. The bill I'm bringing you  
15 today simply says that if it's adult-themed  
16 sexually explicit entertainment -- and I think  
17 we've already talked about what that is, and we  
18 certainly recognize and acknowledge that different  
19 people may have different opinions of what is  
20 inappropriate when it's performed in front of  
21 minors.

22 But that's what we're referring to --  
23 to simply say that cannot take place in a public  
24 area where there's a reasonable expectation where  
25 if you take to your kids or your grandkids to a

1 public park that they're not going to be confronted  
2 with someone performing sex acts or simulating sex  
3 acts as a form of entertainment. I don't believe  
4 that is unreasonable.

5 Similarly, if that type of  
6 entertainment is to take place in a private venue,  
7 you simply have to check the IDs at the door and  
8 make sure there's no kids coming in.

9 That's all the bill does, Mr. Chairman.  
10 I appreciate the committee's support.

11 CHAIRMAN (SENATOR GARDENHIRE): Thank  
12 you.

13 Chairman Roberts, any follow-up  
14 questions?

15 Any other questions from the panel?

16 Seeing none, are we ready to vote?

17 Madam Secretary, call the roll.

18 MADAM SECRETARY: Senator Kyle?

19 SENATOR KYLE: (Response off  
20 microphone.)

21 MADAM SECRETARY: Senator Lamar?

22 SENATOR LAMAR: No.

23 MADAM SECRETARY: Senator Lundberg.

24 SENATOR LUNDBERG: Aye.

25 MADAM SECRETARY: Chairman Roberts?

1 REPRESENTATIVE ROBERTS: Aye.

2 MADAM SECRETARY: Senator Rose?

3 SENATOR ROSE: Aye.

4 MADAM SECRETARY: Senator Stevens?

5 SENATOR STEVENS: Aye.

6 MADAM SECRETARY: Senator Taylor?

7 SENATOR TAYLOR: Aye.

8 MADAM SECRETARY: Senator White?

9 SENATOR WHITE: Aye.

10 MADAM SECRETARY: Senator Gardenhire?

11 SENATOR GARDENHIRE: Aye.

12 MADAM SECRETARY: Chairman, you've got  
13 one "no" and seven "ayes."

14 THE COURT: Thank you, Madam Secretary.  
15 The bill passes and goes to calendar.

16 SENATOR ROBERTS: Thank you, Mr.  
17 Chairman, Members.

18 [END OF SESSION]

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IN THE SENATE FLOOR SESSION - 7th LEGISLATIVE DAY  
TENNESSEE GENERAL ASSEMBLY

February 6, 2023

(WHEREUPON, on the above date, there came up for consideration in the Senate Floor Session - 7th Legislative Day of the Tennessee General Assembly, Senate Bill 0003, sponsored by Senator Johnson and others. Discussion pertaining to this bill was as follows):

MR. CLERK: Mr. Speaker, on the regular calendar, Item Number 1, Senator Johnson on third and final consideration.

CHAIRMAN (Senator McNally): Leader Johnson, you are recognized.

SENATOR JOHNSON: Thank you, Mr. Speaker. Members, what I would like to do on this bill is momentarily I'm going to move it for passage and defer to Chairman Gardenhire. There is an amendment that makes the bill and I'd like to get that amendment properly before us. And then I have been asked by a member to roll this until Thursday, and I'm happy to honor that request because of our

1 limited time here on the floor. I expect there to  
2 be a bit of discussion on this bill, and so I'm  
3 happy to honor the request from my fellow member.

4 I move passage of Senate Bill 0003,  
5 third and final consideration.

6 CHAIRMAN (Senator McNally): That's a  
7 proper motion for passage on Senate Bill 0003. It's  
8 properly seconded.

9 Senator Gardenhire?

10 SENATOR GARDENHIRE: Thank you,  
11 Mr. Speaker. I move Amendment Number 1 for adoption  
12 and yield to the sponsor for an explanation.

13 CHAIRMAN (Senator McNally): Senator  
14 Gardenhire moves Amendment Number 1. Seconded, by  
15 the sponsor.

16 Leader Johnson, you're recognized.

17 SENATOR JOHNSON: Thank you,  
18 Mr. Speaker. Now that we've got this in our proper  
19 position for consideration on Thursday, I ask that  
20 we roll it to Thursday next, please, sir.

21 CHAIRMAN (Senator McNally): Without  
22 objection, Thursday next.

23 [END OF SESSION]  
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IN THE SENATE FLOOR SESSION - 8th LEGISLATIVE DAY  
TENNESSEE GENERAL ASSEMBLY

February 9, 2023

(WHEREUPON, On the above date, there came up for consideration in the Senate Floor Session - 8th Legislative Day of the Tennessee General Assembly, Senate Bill 0003, sponsored by Senator Johnson and others. Discussion pertaining to this bill was as follows):

CHAIRMAN (Senator McNally): You are recognized on Senate Bill 0003.

SENATOR JOHNSON: Thank you, Mr. Speaker.

Members, I move passage of Senate Bill 0003 on third and final consideration for purposes of bringing up a judiciary committee amendment that makes the bill.

CHAIRMAN (Senator McNally): That's a proper motion. Properly amended.

Mr. Clerk?

MR. CLERK: Amendment Number 1 by Senate Judiciary Committee.

1 CHAIRMAN (Senator McNally): Chairman  
2 Todd you're -- Garden- -- excuse me -- Chairman  
3 Gardenhire, you are recognized.

4 SENATOR GARDENHIRE: Thank you,  
5 Mr. Speaker. Amendment 1 drafting code 3058 makes  
6 the bill. I yield to the sponsor for explanation of  
7 the amendment.

8 CHAIRMAN (Senator McNally): That's a  
9 proper motion. Properly seconded by committee.  
10 Senator Johnson, you are recognized on  
11 the amendment.

12 SENATOR JOHNSON: Thank you, Mr.  
13 Speaker. And, yes, the judiciary committee  
14 amendment does make the bill. As amended, Senate  
15 Bill 0003 would clear up confusion that exists in  
16 the law relative to adult-oriented performances and  
17 specified that they may only be held in  
18 age-restricted venues as is worded in current law  
19 and may not be held on publicly owned property.

20 Under current law, Mr. Speaker,  
21 businesses that provide predominantly  
22 adult-oriented entertainment must be licensed and  
23 age restricted to prevent children from entering  
24 that venue.

25 This bill would simply clarify that if

1 this type of adult-oriented entertainment occurs in  
2 locations that are not required to be reregulated  
3 under the current adult entertainment law because  
4 it is not the predominant business of that  
5 establishment, let's say like a restaurant, for  
6 example, that they have to make sure if that type  
7 of explicit entertainment is taking place that the  
8 venue is age restricted so that it won't be made  
9 available to children.

10           The bill only applies to performances  
11 that appeal to a prurient interest, which are those  
12 performances that are overtly sexual in nature.  
13 This is a well-understood term in Tennessee  
14 obscenity case law surrounding what it means to  
15 appeal to a prurient interest. With this bill, Mr.  
16 Speaker, only the entertainer who acts in violation  
17 of this law would be subject to the criminal  
18 penalty, not the business where the performance  
19 took place.

20           And, Mr. Speaker, if I could, in the  
21 definition section of the bill -- there have been a  
22 lot of accusations about -- that this bill will ban  
23 this and this bill will ban that. I want to read  
24 the cross-referenced section, which comes from  
25 39-17-901. And in that chapter, which is basically



1 our obscenity chapter, there is a term "harmful to  
2 minors." That has been in our code for many years  
3 -- "harmful to minors."

4 And here's the definition of "harmful  
5 to minors." It means that "quality of any  
6 description or representation, in whatever form, of  
7 nudity, sexual excitement, sexual conduct, excess  
8 violence, or sadomasochistic abuse, when the matter  
9 or performance" -- and I want you to listen very  
10 clearly to those three triggers that have to be  
11 met.

12 "If that type of entertainment would be  
13 found by the average person applying contemporary  
14 community standards to appeal to a pre- -- or  
15 appeal predominantly to the prurient interest,  
16 shameful or harmful or morbid interest of minors,  
17 or the second of those three prongs is patently  
18 offensive to prevailing standards in the adult  
19 community as a whole with respect to what is  
20 suitable for minors." And the final trigger that  
21 has to be met is "taken as a whole lacks serious  
22 literary, artistic, political, or scientific values  
23 for minors."

24 Now, Mr. Speaker and Members, I would  
25 submit for your consideration that that's a pretty

1 tight definition. And if something that meets that  
2 standard, the existing definition of what is  
3 harmful to a minor in current statute -- we're not  
4 rewriting that -- we are applying the definition,  
5 the term "harmful to minors" as it exists in our  
6 current obscenity statute, and we're saying that  
7 you can't do that in a public park. You can't do  
8 that in a restaurant where kids are present. And  
9 we all know, we've seen videos that have surfaced  
10 from here in Tennessee and places elsewhere in the  
11 country and watched them and were appalled and  
12 heard from hundreds, if not thousands, of our  
13 constituents wanting to know why in the world this  
14 type of overtly sexual entertainment could be  
15 taking place in a public area where kids are  
16 present.

17           And, frankly, we didn't have a good  
18 answer, because the law didn't address it. This  
19 bill fixes that and will make sure that that type  
20 of entertainment takes place in an age-restricted  
21 venue where it can take place now. And if it's  
22 going to take place somewhere else, it can't take  
23 place with this bill on any public property. And  
24 if you want to have that kind of entertainment in  
25 your private business, that's fine. You just can't

1 let kids in. I don't think that's terribly  
2 unreasonable, Mr. Speaker.

3 I second the motion on the adoption of  
4 the amendment.

5 CHAIRMAN (Senator McNally): Discussion?  
6 Senator Massey, you are recognized.

7 SENATOR MASSEY: Thank you, Mr. Speaker.  
8 And will the sponsor yield?

9 CHAIRMAN (Senator McNally): The sponsor  
10 yields.

11 SENATOR MASSEY: Thank you, Mr. Speaker.

12 And, Leader, just to confirm, signing  
13 this would not prevent someone dressed up as  
14 Whitney Houston singing Whitney Houston songs with  
15 none of the sexual parameters involved, they  
16 would -- that would still be allowed?

17 CHAIRMAN (Senator McNally): Leader  
18 Johnson?

19 SENATOR JOHNSON: That is correct,  
20 Mr. Speaker. That is an accurate statement and,  
21 again, I will refer anyone who has a question about  
22 what it applies to and what it doesn't to go to  
23 39-17-901 and read the existing definition of what  
24 is harmful to a minor that has existed for many  
25 years.

1 CHAIRMAN (Senator McNally): Senator  
2 Massey, you are recognized.

3 SENATOR MASSEY: Thank you, Mr. Speaker.

4 And just another clarification because  
5 these are questions I've been asked, it wouldn't  
6 prevent a high school drama club that was at a  
7 girls-only school performing "Newsies," the play  
8 "Newsies," where it's all young boy newspaper  
9 sellers, it wouldn't prevent them from dressing up  
10 as guys and performing that play?

11 CHAIRMAN (Senator McNally): Leader  
12 Johnson, you are recognized.

13 SENATOR JOHNSON: Thank you,  
14 Mr. Speaker.

15 That is absolutely correct.

16 CHAIRMAN (Senator McNally): Senator  
17 Massey, you are recognized.

18 SENATOR MASSEY: Thank you, Mr. Speaker.

19 And I think the key -- you know, a lot  
20 of the e-mails we've been getting talks about  
21 artistic expression and different things like that.  
22 But the key is is basically lewd, sexual acts that  
23 are not appropriate in open forum. They're not  
24 appropriate for young kids. And, you know, you got  
25 to be 18 to get a tattoo. I mean it's -- you know,

1 I mean, it -- but we want to, you know, have the  
2 door open that they can go see overt nudity and  
3 sexual acts or the depiction of sexual acts, I'm  
4 sorry. That's not what Tennessee is about, and I  
5 am supporting the bill.

6 THE COURT: Senator Campbell, you are  
7 recognized.

8 SENATOR CAMPBELL: Thank you,  
9 Mr. Speaker. Would the sponsor please yield for a  
10 question?

11 CHAIRMAN (Senator McNally): Sponsor  
12 yields.

13 SENATOR CAMPBELL: Could the sponsor  
14 give us an example of how this law would be applied  
15 and enforced.

16 CHAIRMAN (Senator McNally): Leader  
17 Johnson, you are recognized.

18 SENATOR JOHNSON: Thank you,  
19 Mr. Speaker.

20 It would be enforced like any other law  
21 that we have on the books, with law enforcement and  
22 prosecutors.

23 CHAIRMAN (Senator McNally): Senator  
24 Campbell, you are recognized.

25 SENATOR CAMPBELL: Thank you,

1 Mr. Speaker.

2 So to the sponsor, I'm trying to  
3 understand exactly a scenario. Could the sponsor  
4 please take us through a scenario in which this law  
5 would be applied and then enforced.

6 CHAIRMAN (Senator McNally): Leader  
7 Johnson, you are recognized.

8 SENATOR JOHNSON: If someone -- thank  
9 you, Mr. Speaker.

10 If someone violates the law and there  
11 is evidence presented to a prosecutor, the  
12 prosecutor can file criminal charges against the  
13 person who violated the law. Again, like every  
14 other criminal law we have on the books.

15 CHAIRMAN (Senator McNally): Senator  
16 Campbell, you are recognized.

17 SENATOR CAMPBELL: So thank you,  
18 Mr. Speaker. I was hoping for an actual example,  
19 because it's a little perplexing, you know.

20 Unless I'm mistaken, this is the  
21 federal standard for obscenity, and I think the  
22 sponsor just described this as being already the  
23 federal standard for obscenity, which would already  
24 be enforceable and for it to apply to a drag show  
25 or to other situations. The drag show component of

1 this is irrelevant and it's never been found to be  
2 obscene under the same standards as applied at the  
3 federal level.

4 If I murdered someone, I broke the law.  
5 If new state-level legislation says that I've  
6 broken the law if I murder somebody while I'm  
7 wearing a dress, then it's inefficient at best.

8 Drag is a form of creative expression  
9 like any other dance, fashion, music. The  
10 essential elements of a drag performance are all  
11 protected by the First Amendment. And laws such as  
12 this are inherently applied according to standards  
13 within a particular community at a particular time,  
14 and they could easily have been applied to swimsuit  
15 attire; in the 1920's, if it was anything less than  
16 a full body suit or a dress that revealed women's  
17 ankles.

18 You know, my husband wore a kilt to our  
19 wedding -- because we're Campbells, right -- and  
20 was he wearing a skirt and would that be considered  
21 cross-dressing and when we kissed at the end of the  
22 ceremony in front of all of the children who were  
23 present, were we arguably violating this law?

24 This just highlights the absurdity of  
25 attempting to police people's thoughts. As a

1 matter of fact, this is the beginning of the same  
2 policies women in Iran are risking their lives to  
3 oppose by being forced to wear a burqa.

4           Look, I saw the videos. I saw the  
5 videos that led to this effort and I understand why  
6 people are alarmed. I really do. But, again,  
7 apparent and obscene behavior is already covered  
8 under federal law. I'm sure that most of us also  
9 saw the self-proclaimed Nazis who were protesting  
10 drag shows. Is that who we want to align ourselves  
11 with? That's the wrong side of history. Lord, at  
12 least I hope it's the wrong side of history.

13           These are the strings of fascism.  
14 Leveraging fear of others may be politically  
15 advantageous, but it's the antithesis of good  
16 governance, and I know we all know this deep in our  
17 hearts because it's in the stories that we tell  
18 each other. It's in "To Kill a Mocking Bird," and  
19 "Schindler's List," and even "Star Wars."

20           We know we should do unto others as we  
21 would have done unto us. Our LGBT+ community are  
22 rightful citizens and beloved friends and family  
23 members and the horrible attacks that we wage upon  
24 this with this slate of hate legislation only hurts  
25 people. We were elected to solve problems, support



1 our constituents, and we have serious issues to  
2 address like health care, inflation, education,  
3 food deserts, litter, traffic. We won't, we can't,  
4 and we shouldn't take rights away from and cancel  
5 our own citizens just because they are different  
6 from us in some way.

7 With deep -- truly deep respect for the  
8 sponsor, Mr. Speaker, I will be voting against  
9 this.

10 CHAIRMAN (Senator McNally): Senator  
11 Akbari, you are recognized.

12 SENATOR AKBARI: Thank you, Mr. Speaker.

13 And I just need some clarification. I  
14 had a constituent reach out to me. She is a  
15 performer at an establishment in my district. They  
16 do a brunch every week, they do a bingo brunch,  
17 families bring their children there and the  
18 brunch -- it's a drag brunch.

19 So to the sponsor of this legislation,  
20 would that impact their ability to have those types  
21 of events?

22 CHAIRMAN (Senator McNally): Leader  
23 Johnson, you are recognized.

24 SENATOR JOHNSON: Thank you,  
25 Mr. Speaker.

1           Members, I'm going to read this again  
2 because we could be here all day coming up with  
3 hypothetical scenarios and asking me does it apply  
4 to this or does it apply to that.

5           To my friend from Shelby County, the  
6 person who contacted you asking about whether it  
7 would apply to them and your question, I would say  
8 are they doing something that is defined in our  
9 statute as harmful to a minor? Are they doing  
10 something that involves "nudity, sexual excitement,  
11 sexual conduct, excess violence, or sadomasochistic  
12 abuse, whether -- when the matter or the  
13 performance would be found by the average person  
14 applying contemporary community standards to appeal  
15 predominantly to the prurient, shameful, or morbid  
16 interest of minors?" That's first prong. I could  
17 read the other two.

18           So for everyone else that's wanting to  
19 stand up and talk about kissing their husband at  
20 their wedding wearing a kilt, again, I'm going to  
21 refer you back to what I said in the opening stand,  
22 and I'm prepared to be here all day, Mr. Speaker,  
23 and answer questions about does it apply to this or  
24 does it apply to that? But every single time you  
25 ask me that, I'm going to refer you back to what I

1 read originally, the definition of what is harmful  
2 to a minor.

3 CHAIRMAN (Senator McNally): Senator  
4 Akbari, you're recognized.

5 SENATOR AKBARI: Thank you, Mr. Speaker.  
6 And I have read the statute and the existing statute  
7 that defines obscenity within our state. I am  
8 asking specific questions because of concerns from  
9 my constituents and we want to really ascertain the  
10 legislative intent, because we all know that there  
11 are certain things in statute, but there's also --  
12 if there ever is any sort of review of the  
13 legislation, it's important to have more than just  
14 the statute as a part of that intent.

15 My next question, Mr. Speaker, with  
16 your indulgence, has to do -- and I'm going to be  
17 specific -- because I want a specific answer and  
18 not a statute -- has to do with those who have  
19 pride performances. I represent downtown Memphis.  
20 The pride parade is in my district every year and  
21 there are people who are dressed in drag attire.

22 I want to know specifically if this  
23 would infringe [sic] those people who live in  
24 Tennessee and vote in Tennessee and pay taxes in  
25 Tennessee -- would it infringe their rights to be

1 able to participate in pride performances?

2 CHAIRMAN (Senator McNally): Leader  
3 Johnson, you are recognized.

4 SENATOR JOHNSON: Thank you,  
5 Mr. Speaker.

6 Members, if you get questions from any  
7 of your constituents about whether or not this is  
8 going to apply to an event that they wish to hold  
9 or some type of entertainment that they would like  
10 to present, I would encourage you to direct them to  
11 the obscenity statute, 39-17-901. And if they're  
12 going to be doing anything that is in that  
13 obscenity statute that has been defined in this  
14 state as harmful to a minor for many years, then  
15 not allowing children to be there.

16 By the way, they can have the event.  
17 They can have any event they want to. But if it's  
18 going to meet that standard of harmful to a minor  
19 that's been in our code for many years, just don't  
20 let the kids there. It's that simple.

21 CHAIRMAN (Senator McNally): Senator  
22 Akbari, you are recognized.

23 SENATOR AKBARI: Thank you, Mr. Speaker.

24 Obscenity has been defined in our code  
25 for quite some time so it seems that people are

1 already protected from any sort of obscene acts  
2 from taking place in public. This seems  
3 specifically targeted, and I will be voting no.

4 And to my constituents that feel that  
5 this legislation threatens who they are and who  
6 they seek to be, I hope that they know they have  
7 folks fighting for them to preserve their  
8 expression and their freedom in this state.

9 CHAIRMAN (Senator McNally): Senator  
10 Yarboro, you're recognized.

11 SENATOR YARBORO: Thank you, Mr.  
12 Speaker.

13 And I rise somewhat in surprise that  
14 the sponsor insists that this is just a simple  
15 matter of directing people to these three lines in  
16 our code as if that's some sort of simple  
17 explanation of what's contemplated here.

18 That standard is a community-based  
19 standard. There's 31 -- there will be 31 different  
20 versions of what this means, one for every judicial  
21 district in the state. What's going to count as  
22 sexual excitement is going to depend on what a jury  
23 in one county or a different county thinks; so this  
24 is not some simple thing.

25 And even that, he's -- the sponsor is

1 correct that after a few tries and several  
2 constitutional litigations, we've ended up with  
3 sort of this constitutional -- this statutory  
4 regime and yet the language that he's citing, we  
5 used to talk about books and movies and items and  
6 the things that can actually be reviewed in courts.  
7 But like, we're not dealing with that, we're  
8 dealing with performances.

9           In our code right now, and what this  
10 bill does, this legislation is going into Title  
11 7-51 [sic], which is about adult-oriented  
12 establishments. Those are a few hundred places in  
13 the whole state that are subject to super specific  
14 licensing regulations, and rules. But then it's  
15 applying that standard effectively to the world  
16 anywhere in public or anywhere where any child  
17 could view, and not just views, like anywhere where  
18 a child could view a performance. So one out of  
19 four or five people is a child in Tennessee --  
20 basically everywhere.

21           My neighbor's backyard is a place where  
22 a child can view. Like the park across the street,  
23 obviously, a place where a child can view. Almost  
24 anywhere is going to fall under this. And so we're  
25 taken what is a -- what we all know is a really

1 specific set of institutional rules that our state  
2 has fallen short of adhering to in the past and we  
3 are applying them not to the specific set of adult  
4 materials and pornographic materials that are  
5 distributed across the state, not to specifically  
6 targeted adult-oriented establishments, but to the  
7 world.

8           We're letting the police sort of start  
9 looking for that type of activity in each and every  
10 performance and the sponsor, Mr. Speaker, he  
11 insists that this is not intended to go after all  
12 of these different hypotheticals, and I don't  
13 question that it is. I think we know what it's  
14 intended to go after. But there are lots of things  
15 that would fall under the definition of this.

16           There are lots of your counties where  
17 there is still a powderpuff football game where  
18 high school boys will wear cheerleader outfits and  
19 short skirts and, like, you think there's any  
20 possibility that a 16, 17-year-old boy has ever  
21 once made a sexually suggestive conduct while  
22 performing as a cheerleader in one of those? If  
23 you don't think so, you probably haven't met a  
24 17-year-old boy.

25           You think about Carnicus at UT. I

1 mean, it's easy to sort of say, yeah, we're not  
2 going after Shakespeare's Twelfth Night, but there  
3 are numerous performances that are much more bawdy,  
4 that involve, you know, performers going into a  
5 specific place, into things that are sexually  
6 suggestive and have questionable artistic value,  
7 but we usually don't police those with the power of  
8 the State. But that's what we're doing here.  
9 We're sending this off into the world. And, I  
10 mean, maybe that's not the intent but it's only the  
11 intent because we're telling people that's not the  
12 intent is.

13           And what the sponsor says, that this  
14 was -- you know, isn't targeting a group, but the  
15 day this bill was filed, Mr. Speaker, my friend,  
16 the sponsor, cited that this was being filed in  
17 response to controversial drag shows across the  
18 state. That's what he said the day he filed it,  
19 Mr. Speaker.

20           And I don't -- I agree with people's  
21 concerns. I understand. I'm a parent of small  
22 children. There is no way in the world that I want  
23 to see -- that I want to be somewhere where my  
24 children could be exposed to sexually explicit or  
25 improper or already obscene, vulgar conduct. But



1 that's already illegal.

2           And so I'm not sure what this does  
3 except go after what has been deemed controversial  
4 drag shows and we know that there are nine other  
5 states that are considering legislation that are  
6 about drag shows, and I just think that we are  
7 going down a dangerous road here, folks. We're  
8 supposed to, at the baseline, believe in freedom  
9 and that laws should be pretty narrowly tailored.  
10 This law applies everywhere in our state and puts  
11 citizens in a place to call on the police, to call  
12 on prosecutors anytime they think somebody isn't  
13 raising their kids right, anytime they think  
14 there's a performance that they don't agree with,  
15 and that is a dangerous road to walk down,  
16 Mr. Speaker.

17           CHAIRMAN (Senator McNally): Senator  
18 Kyle, you are recognized.

19           SENATOR KYLE: Thank you, Mr. Speaker.

20           And with all due respect to the  
21 colleague who has brought this bill, I would ask  
22 that he would yield for questions and  
23 clarification.

24           CHAIRMAN (Senator McNally): He yields.

25           SENATOR KYLE: I don't mean to aggravate

1 you or make you repeat a hundred times the law. My  
2 issue is twofold. With due respect, there's always  
3 unintended consequences. And if this should become  
4 a lawsuit because the standards aren't defined --  
5 there's a difference -- for example -- if I was a  
6 lawyer, I would be looking at sexual conduct as  
7 Tyler Perry -- the famous icon Hollywood star, plays  
8 a role called Madea. And if he would come and play  
9 that role for us here at the performing arts center  
10 or the Memphis Orpheum and did a death drop, that  
11 might be considered sexual where other ones of us  
12 might consider it comedy.

13           Arkansas brought a case -- and this is  
14 what I'm getting to -- and the reason they brought  
15 that case under the First Amendment, selective  
16 prosecution, even under the obscenity statute, what  
17 is, what isn't; what behavior is not acceptable,  
18 what class of people are not acceptable. You have  
19 different mindsets on selective prosecution.

20           And, Leader Johnson, people choose  
21 careers. Whether I agree with their career,  
22 whether I don't agree with their career, even with  
23 my four children, they all have different jobs in  
24 this nation, one is an engineer and I can't even  
25 spell coding. It's -- whether I agree with her

1 taking that job or not, that is up to her. And if  
2 we start criminalizing morality, behavior, then  
3 we're in a quagmire; our attorney general, this  
4 state, may spend millions of dollars on a lawsuit  
5 because we've taken somebody's livelihood away. I  
6 might not agree with their career choice, but we  
7 can't take their careers away. We just don't go to  
8 those shows or have our children there.

9 Now, under this First Amendment issue,  
10 are we -- are we criminalizing or trying to find  
11 moral standards?

12 Thank you. And I appreciate your  
13 patience. I will look back again and reread  
14 obscenity. That is an open interpretation. And  
15 please have patience with me. I'm just trying to  
16 talk and vet this out. Thank you, sir.

17 CHAIRMAN (Senator McNally): Thank you,  
18 Senator Kyle.

19 Leader Johnson?

20 Do I have --

21 Senator Oliver, you are recognized.

22 SENATOR OLIVER: Thank you, Mr. Speaker.  
23 I've got numerous e-mails about this bill, and I am  
24 just appalled that we are introducing legislation  
25 before this body on the basis of it being "harmful

1 to minors." We have issues in our DCS that is  
2 having harm -- doing harm to minors.

3 Just this May, there was a report that  
4 came out that pastors in this state are sexually  
5 abusing children in the Southern Baptist  
6 Convention. And the last time I checked, this body  
7 did not have a resolution to condemn that sexual  
8 behavior, but we are using artistic expression  
9 subjectively to say that drag shows are being  
10 criminalized. And so I just find it appalling that  
11 the leader cannot give us a scenario in which this  
12 bill would be obscene to minors.

13 In my district, the TSU Sophisticated  
14 Ladies are a dance group. They perform at football  
15 games. They wear wigs. They put on extravagant  
16 makeup. They wear costumes and they gyrate and  
17 squat and dance with their hips, with their legs  
18 open, and that is a form of dance and artistic  
19 expression.

20 So are you telling me, Mr. Leader, that  
21 students who go to college to perform and get a  
22 scholarship to dance, will they be criminalized in  
23 this bill as of form of obscene behavior? Because  
24 we're bringing kids to a football game, will  
25 parents be able to, now, not be allowed to bring

1 their kids into a football game because we're  
2 criminalizing artistic expression?

3 CHAIRMAN (Senator McNally): Thank you,  
4 Senator.

5 Leader Johnson?

6 Senator Roberts, you're recognized.

7 SENATOR ROBERTS: Thank you,  
8 Mr. Speaker. I really had no intention on speaking  
9 on this bill and I've just sat and listened to the  
10 various comments that have been made, and I just  
11 feel compelled to say something.

12 There are a lot of distractions from  
13 the real issue here. I'm hearing things like hate  
14 legislation, talking about canceling the LGBTQIA+  
15 community, you know, costing people their careers.  
16 Tyler Perry, "Star Wars," I mean, these are all  
17 distractions from the real issue.

18 The issue is simply this. Each one of  
19 us saw videos, or at least I hope we did. We saw  
20 videos of performances of at Tennessee Tech  
21 University, Murfreesboro, Nashville, places across  
22 the state where entertainers or performers  
23 simulated anal sex, oral sex, other graphic  
24 activities with children sitting a few feet away  
25 from them. If you're in favor of that, then go

1 right ahead, vote against this bill. But I thought  
2 we were about protecting children and protecting  
3 children against people and -- you know what, if a  
4 man showed up and exposed himself to your child,  
5 you would absolutely hope that the sheriff would  
6 arrest that person and the DA would prosecute that  
7 person.

8           It's just unbelievable to me that we  
9 sat here and saw videos of people simulating sex  
10 acts in front of children and no one was arrested  
11 and no one was prosecuted and the word came back to  
12 us that the law was not clear enough, it wasn't  
13 specific enough, it wasn't strong enough that a  
14 prosecutor felt like they could get in front of a  
15 judge and get a conviction.

16           And so what we did is what we do all  
17 the time. We took a look at TCA and we said, you  
18 know what, we need to strengthen that law because  
19 in the state of Tennessee, we don't think it's  
20 appropriate for grown men to perform in front of  
21 children simulated sex acts. That's what this is  
22 about.

23           It's not about Tyler Perry dressing up  
24 as a woman and performing at TPAC. It's not about  
25 canceling anybody. It's not even about telling

1 drag performers that they can't perform. It's  
2 simply saying you cannot simulate sex acts in front  
3 of a child. And, again, because prosecutors came  
4 to us and said they didn't think the law was strong  
5 enough to be able to do that, that's what this bill  
6 is about. And for somebody to make it an attack on  
7 a certain group of people is not what it's about.

8           If you saw the video, I'm sure you were  
9 outraged. And you know what, no, I would not take  
10 my children there. But furthermore, I don't want  
11 other people's children being exposed to that too.  
12 We do stuff all the time that protects children.  
13 Why suddenly are we having an argument about  
14 whether or not this bill is the right thing? It  
15 protects children.

16           I appreciate the sponsor bringing the  
17 bill. I'm sorry that we sat here and had a  
18 discussion about it for 30 minutes. And, again, I  
19 hadn't planned on saying anything and I --  
20 everybody who has gotten up and spoken, I have the  
21 deepest respect for but I just want to ask you to  
22 focus on this issue. And I know you're getting  
23 pounded with e-mails from constituents who are  
24 trying to make it something that it's not, and I  
25 know you feel like you have to respond to those

1 constituents, but sometimes what we have to do is  
2 tell our constituents this bill is not what you  
3 think it is. What we're trying to do is we're  
4 trying to protect children but a very small group  
5 of people in very isolated incidents that are  
6 simulating sex acts in front of children. And then  
7 to add insult to injury, to watch a child take a  
8 dollar bill and go put it, you know, in the  
9 G-string or whatever of that performer just was too  
10 much. And it's time that we say to our DAs, to our  
11 sheriffs, to our law enforcement that we're not  
12 going to tolerate this kind of activity. It's  
13 going to be illegal in Tennessee.

14 Thank you, Mr. Speaker.

15 Thank you, Senator Roberts.

16 Senator Bailey, you're recognized.

17 SENATOR BAILEY: Thank you, Mr. Speaker.

18 I call the question.

19 CHAIRMAN (Senator McNally): The  
20 question has been called.

21 I did have someone else in line.

22 Will you yield on that?

23 So the question has been called on  
24 Senate Bill 0003. We're on the amendment.

25 All in favor of the amendment will vote



1 "aye" when the bell rings; all opposed vote "no."

2 We do a voice vote. Let's do a voice  
3 vote on that.

4 All in favor of the amendment say  
5 "aye."

6 MEMBERS: (Collectively) Aye.

7 CHAIRMAN (Senator McNally): Opposed?

8 MEMBERS: (Collectively) Nay.

9 CHAIRMAN (Senator McNally): The ayes  
10 carry.

11 The ayes carry.

12 We are on the bill as amended, Senate  
13 Bill 0003.

14 Any additional discussion?

15 The vote has been called.

16 Senator -- I will let Leader Johnson  
17 close.

18 SENATOR JOHNSON: Thank you, Mr. Speaker  
19 and Members. I appreciate the discussion.

20 In closing, I do want to echo something  
21 that my friend from Robertson County said. There  
22 was a lot of mischaracterization of this bill  
23 coming from the opponents of it. And I don't know  
24 if that is intentional because you want to  
25 misrepresent the bill and make it look like we're

1 trying to attack a certain segment of our  
2 population when we're not or if you didn't read the  
3 bill. It's one of those two, because if you read  
4 the bill and you understand the bill, then a lot of  
5 the comments that were made were clearly  
6 mischaracterizing, misrepresenting the bill.

7           That's why I was very intentional in my  
8 opening remarks, Mr. Speaker. This bill only  
9 applies to something that would be found by the  
10 average person applying contemporary, community  
11 standards to appeal predominantly to the prurient,  
12 shameful, or morbid interest of minors, and -- not  
13 or -- and is patently offensive to prevailing  
14 standards in the adult community as a whole with  
15 respect to what is suitable for minors and -- not  
16 or -- and takes as -- takes as whole -- or rather  
17 taken as whole, like serious literary, artistic,  
18 political, or scientific values for minors.

19           That's what the bill applies to and I  
20 appreciate your support.

21           CHAIRMAN (Senator McNally): We are on  
22 the board.

23           All of those in favor will vote "aye"  
24 when the bill rings. Those opposed, vote "no."

25           Mr. Clerk?

1                   Has every member voted? Does any  
2 member wish to change their vote?

3                   MR. CLERK: Ayes, 26; six nays.

4                   CHAIRMAN (Senator McNally): Senate Bill  
5 0003, having received the constitutional majority,  
6 is adopted. Without objection, the motion to  
7 reconsider goes to table.

8                   [END OF SESSION]  
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IN THE HOUSE FLOOR SESSION - 9th LEGISLATIVE DAY  
TENNESSEE GENERAL ASSEMBLY

February 23, 2023

(WHEREUPON, On the above date, there came up for consideration in the House Floor Session - 9th Legislative Day of the Tennessee General Assembly, Senate Bill 0003, sponsored by Representative Todd and others. Discussion pertaining to this bill was as follows):

MR. CLERK: House Bill 0009 by Chairman Todd and others relative to adult-oriented performances, Mr. Speaker, the senate bill is on the desk.

CHAIRMAN (Rep Sexton): Chairman Todd, you are recognized.

REPRESENTATIVE TODD: Thank you, Mr. Speaker. I move to substitute and conform to Senate Bill 0003.

CHAIRMAN (Rep Sexton): Chairman Todd moves to substitute and conform Senate Bill 0003.

Properly seconded.

Without objection, so ordered.

1 Chairman Todd?

2 REPRESENTATIVE TODD: Thank you,  
3 Mr. Speaker. I move passage of Senate Bill 0003 on  
4 third and final consideration.

5 CHAIRMAN (Rep Sexton): Chairman Todd  
6 moves passage on Senate Bill 0003 on third and final  
7 consideration.

8 Properly seconded.

9 Mr. Clerk, call the first amendment.

10 MR. CLERK: House Criminal Justice  
11 Committee Number 1.

12 CHAIRMAN (Rep Sexton): Chairman Hulsey,  
13 you are recognized.

14 REPRESENTATIVE HULSEY: Thank you,  
15 Mr. Speaker.

16 This amendment rewrites the bill and I  
17 move adoption to House of Criminal Justice  
18 Committee, Amendment Number 1, and defer to the  
19 sponsor for further explanation.

20 CHAIRMAN (Rep Sexton): Chairman Hulsey  
21 moves adoption to House Amendment Number 1.

22 Properly seconded.

23 Any discussion on the amendment?

24 All those in favor of adoption of House  
25 Amendment Number 1 say "aye."

1           Aye.

2           All those opposed, say no.

3           The ayes have it.

4           Next amendment, Mr. Clerk.

5           MR. CLERK: Mr. Speaker, no further  
6 amendments.

7           CHAIRMAN (Rep Sexton): Chairman Hulsey,  
8 you are recognized.

9           Oh, I'm sorry. Chairman Todd, you are  
10 recognized.

11           REPRESENTATIVE TODD: Thank you, Mr.  
12 Speaker.

13           As we stated, Amendment 1 makes the  
14 bill. As amended, Senate Bill 0003 clears up  
15 confusion in the law and clarifies that  
16 adult-oriented performances may only be held in  
17 age-restricted locations and may never be held on  
18 publicly owned property.

19           Under current law, businesses that  
20 predominantly provide adult-oriented entertainment  
21 must be licensed and age restricted to prevent  
22 children from entrance. This bill simply clarifies  
23 that if this type of adult-oriented entertainment  
24 occurs in locations that are not required to be  
25 regulated under the current law because the adult

1 entertainment is not predominant to that business,  
2 like a restaurant, for example, then that business  
3 must ensure that the location is age restricted and  
4 children are not allowed to view the performance.

5           The bill only applies to performances  
6 that are considered harmful to minors under the  
7 State's obscenity laws, which are those  
8 performances that are overtly sexual in nature and  
9 that appeal to a prurient interest. This is a  
10 well-understood term in Tennessee obscenity case  
11 law surrounding what it means to appeal to a  
12 prurient interest. This is a commonsense child  
13 safety bill, and I would appreciate your support.

14           Thank you, Mr. Speaker.

15           CHAIRMAN (Rep Sexton): Do you renew  
16 your motion?

17           REPRESENTATIVE TODD: I renew my motion.

18           CHAIRMAN (Rep Sexton): Thank you.

19           Chairman Todd renews his motion.

20           Any discussion on the bill?

21           Representative Johnson of Knox?

22           REPRESENTATIVE JOHNSON: Thank you,  
23 Mr. Speaker.

24           So we already have obscenity laws on  
25 the books if you are being seen in front of

1 children, it is already illegal; correct?

2 CHAIRMAN (Rep Sexton): Chairman Todd?

3 REPRESENTATIVE TODD: That is correct.

4 CHAIRMAN (Rep Sexton): Representative  
5 Johnson?

6 REPRESENTATIVE JOHNSON: Thank you.

7 So if you're wearing lederhosen and  
8 being in -- obscene in front of children, you will  
9 be arrested; correct?

10 CHAIRMAN (Rep Sexton): Chairman Todd?

11 REPRESENTATIVE TODD: The bill has  
12 several things laid out that require -- that are  
13 required before you would be arrested or be charged  
14 with a crime.

15 CHAIRMAN (Rep Sexton): Representative  
16 Johnson?

17 REPRESENTATIVE JOHNSON: But weren't  
18 those things already illegal if you are being  
19 obscene in front of children?

20 CHAIRMAN (Rep Sexton): Chairman Todd?

21 REPRESENTATIVE TODD: This bill  
22 clarifies that entertainment -- adult entertainment  
23 within an adult-oriented establishment, regardless  
24 of whether a fee is charged or accepted for  
25 entertainment, regardless of whether the



1 entertainment is provided by an employee, it also  
2 provides that a performance of adult or simulated,  
3 specified sexual activities, including removal of  
4 articles of clothing or appearing unclothed, are  
5 illegal.

6 CHAIRMAN (Rep Sexton): Representative  
7 Johnson?

8 REPRESENTATIVE JOHNSON: I'm thinking of  
9 a whole lot of performances where people remove  
10 articles of clothing. That doesn't make it a  
11 stripping situation, but you can remove a jacket.  
12 You can remove -- is that including this as well?

13 CHAIRMAN (Rep Sexton): Chairman Todd?

14 REPRESENTATIVE TODD: Things that are  
15 not sexualized would not be included in this.

16 CHAIRMAN (Rep Sexton): Representative  
17 Johnson?

18 REPRESENTATIVE JOHNSON: Can you define  
19 for me female impersonator?

20 REPRESENTATIVE TODD: Mr. Speaker, that  
21 is something that she would have to refer to the law  
22 that we already have on the books for. I do not  
23 have that definition memorized.

24 CHAIRMAN (Rep Sexton): Representative  
25 Johnson?

1 REPRESENTATIVE JOHNSON: Is there a  
2 definition in the law for a female impersonator?

3 CHAIRMAN (Rep Sexton): Chairman Todd?

4 REPRESENTATIVE TODD: Mr. Speaker, as  
5 amended, Senate Bill 0003 clears up confusion in the  
6 law and clarifies that adult-oriented performances  
7 may only be held in age-restricted venues and may  
8 never be held on publicly owned property.

9 Under the current law, business --  
10 businesses that predominantly provide  
11 adult-oriented entertainment must be licensed and  
12 age restricted to prevent children from entrance.  
13 This bill simply clarifies that this type of  
14 adult-oriented entertainment occurs in locations  
15 that are not required to be regulated under the  
16 current adult entertainment law because that  
17 entertainment is not predominant to the business,  
18 such as a restaurant or some other venue, then that  
19 business must ensure that the location is age  
20 restricted, that minors must not be present and  
21 children not be allowed to view the performance.

22 The bill only applies to performances  
23 that are considered to be harmful to minors under  
24 the state's obscenity laws, which are those  
25 performances that are overtly sexual in nature and

1 appeal to a prurient interest.

2 39-17-901 defines "harmful to minors"  
3 that "quality of any description or representation,  
4 in whatever form, of nudity, sexual excitement,  
5 sexual conduct, excess violence, sadomasochistic  
6 abuse when the matter or performance, (a) would be  
7 found by the average person applying contemporary  
8 community standards to appeal predominantly to the  
9 prurient, shameful, or morbid interest of  
10 minors" --

11 CHAIRMAN (Rep Sexton): Representative  
12 Johnson, you are out of order. You can allow him to  
13 finish, but we will not take shouting from the House  
14 floor. Thank you very much.

15 Chairman Todd, you can continue.

16 REPRESENTATIVE TODD: Thank you, Mr.  
17 Speaker.

18 "(b) is patently offensive to  
19 prevailing standards in the adult community as a  
20 whole with respect to what is suitable for minors;  
21 and, (C), taken as a whole lacks serious literary,  
22 artistic, political, or scientific value for  
23 minors."

24 There are other definitions as well  
25 that deal with adult-oriented establishments, but I

1 hope that answers the question.

2 Mr. Speaker?

3 CHAIRMAN (Rep Sexton): Representative  
4 Johnson.

5 REPRESENTATIVE JOHNSON: Thank you.

6 It doesn't answer the question,  
7 actually. Because what we're doing is this is  
8 going to have a chilling effect on things that  
9 aren't obscene performances because I haven't seen  
10 obscene drag performances, but that is the target  
11 and the thing we are targeting here.

12 And so the reality is we are violating  
13 people's First Amendment rights. We're having a  
14 chilling effect on how different people do  
15 performances. We have drag queens being --

16 (Microphone turned off.)

17 CHAIRMAN (Rep Sexton): Very well.

18 Representative Harris, you are  
19 recognized.

20 REPRESENTATIVE HARRIS: Thank you, Mr.  
21 Speaker.

22 So for clarity, two things have to  
23 happen in order for someone to violate this  
24 legislation. That would be, one, a minor would  
25 have to be present; and, two, it would have to meet

1 the definition of harmful to a minor. Absent of  
2 those two parts, would that be the understanding of  
3 this legislation?

4 CHAIRMAN (Rep Sexton): Chairman Todd?

5 REPRESENTATIVE TODD: Thank you,  
6 Mr. Speaker.

7 This addresses adult cabaret  
8 entertainment and that means -- in the bill, it  
9 says "adult cabaret entertainment" means  
10 "adult-oriented performances that are harmful to  
11 minors" -- "as I just read the definition of -- as  
12 that term is defined in 901 and that features  
13 topless dancers, go-go dancers, exotic dancers,  
14 strippers, male or female impersonators or similar  
15 entertainers" and -- this is required -- "includes  
16 a single performance or multiple performances by an  
17 entertainer."

18 "Entertainer" then is defined in the  
19 bill as meaning "a person who provides  
20 entertainment within an adult-oriented  
21 establishment regardless of whether if he is  
22 charged."

23 I will skip over to the next section.

24 "A performance of actual or simulated  
25 specified sexual activities" as I just read are

1 included in that "entertainer" definition.

2 CHAIRMAN (Rep Sexton): Representative  
3 Harris?

4 REPRESENTATIVE HARRIS: For  
5 clarification, an adult entertainment --  
6 adult-cabaret entertainment by definition here is an  
7 adult-oriented performance? Many of our communities  
8 host annual family-oriented LGBTQ pride events each  
9 year. So this would not apply to those since those  
10 are family-oriented; correct?

11 CHAIRMAN (Rep Sexton): Chairman Todd?

12 REPRESENTATIVE TODD: Thank you, Mr.  
13 Speaker. It's not my place to determine what is  
14 going to apply here or not. The language is  
15 extremely clear, much more clear than I believe what  
16 we have in code at the moment. And, Mr. Speaker, I  
17 just believe this will make it much easier for the  
18 public to determine what is exactly appropriate for  
19 children and what is not appropriate for children  
20 and what can be performed in their presence or  
21 without their presence.

22 CHAIRMAN (Rep Sexton): Representative  
23 Harris?

24 REPRESENTATIVE HARRIS: Who will be  
25 responsible for enforcing this law?

1 CHAIRMAN (Rep Sexton): Chairman Todd?

2 REPRESENTATIVE TODD: Thank you,  
3 Mr. Speaker. Responsible parties for enforcing laws  
4 in this state has not changed by this bill.

5 CHAIRMAN (Rep Sexton): Representatives  
6 Harris?

7 REPRESENTATIVE HARRIS: Who will be  
8 responsible for enforcing this law?

9 CHAIRMAN (Rep Sexton): Chairman Todd?

10 REPRESENTATIVE TODD: Thank you,  
11 Mr. Speaker.

12 The same folks that enforce the laws  
13 currently will be enforcing this law.

14 CHAIRMAN (Rep Sexton): Representative  
15 Harris?

16 REPRESENTATIVE HARRIS: Have there been  
17 any instances where this has been -- where an adult  
18 cabaret in public has been harmful to you?

19 CHAIRMAN (Rep Sexton): Chairman Todd?

20 REPRESENTATIVE TODD: Thank you,  
21 Mr. Speaker.

22 This past year in my community we had a  
23 local group decide to do a quote "family-friendly  
24 pride" -- or a "family-friendly" drag show. And  
25 when they listed this as family-friendly, my

1 community rose up. We filed an injunction against  
2 this group, actually, against the City of Jackson  
3 because our city mayor was endorsing this and  
4 refusing to use local ordinances to prevent it that  
5 were very clearly set there to prevent this type of  
6 activity in front of children.

7           The end of that, after spending several  
8 thousand dollars of individual donations -- we had  
9 folks come from all over the community donating to  
10 this effort to stop this from being in front of our  
11 children. It was forced to be indoors and 18 and  
12 up only.

13           And I was asked to come up with  
14 legislation that would make this much more clear.  
15 It came down to a definition I found. A definition  
16 of the word "cabaret" that is not in current law.  
17 And when, as I understand from talking to our legal  
18 team, when you don't have something defined in law,  
19 then you go to the dictionary. So we went to the  
20 dictionary and the word "cabaret" can mean either a  
21 performance or it can mean a location.

22           So we've certainly felt like and my  
23 community felt like it was both -- it could be  
24 both. But we took that to court and got the  
25 injunction and got it moved to indoors and away



1 from kids and that's exactly what -- the way this  
2 bill is structured. It doesn't prevent those  
3 performances. It certainly says that they must not  
4 be held in front of minors and we intend to uphold  
5 that and expect our law enforcement across our  
6 great state to uphold that principle and uphold  
7 what we pass here in this legislature.

8 CHAIRMAN (Rep Sexton): Representative  
9 Harris?

10 REPRESENTATIVE HARRIS: Thank you, Mr.  
11 Speaker.

12 CHAIRMAN (Rep Sexton): Representative  
13 Hardaway?

14 REPRESENTATIVE HARDAWAY: Thank you,  
15 Mr. Speaker.

16 I'll tell you one thing I learned is  
17 not to ask a question until after I finish making  
18 my statements.

19 The issue that hits me -- and I can't  
20 see the sponsor. I wish I could; so he could see  
21 me. There we go.

22 The issue that hits me is in Section 1  
23 and it's because we -- we have language in there  
24 that is specifically calling out male or female  
25 impersonators. That's a problem for me. I was

1 sitting and making a couple of notes of male or  
2 female impersonators who have been on TV regular  
3 for a decades, male or female impersonators who are  
4 in the movies, the theaters, who are in the plays  
5 that often come to public venues, and I came up  
6 with Martin Lawrence. I can't remember what the  
7 name is of the individual -- Shanaynay. That's a  
8 first. That's now in the record.

9 Tyler Perry, Big Momma, number of  
10 movies, family oriented, but at times there are  
11 suggestive scenes or comments or movements in that  
12 movie. Red Skelton -- now I was a little boy when  
13 I was watching Red Skelton, for those who are  
14 trying to date me. Flip Wilson. Geraldine.

15 From my understanding of the amended  
16 bill, the amendment on House Bill Number 0009, all  
17 of those would be forbidden and they would be  
18 committing -- I think you moved it to a type A  
19 misdemeanor. All of them would -- would be  
20 breaking the law once this bill passes.

21 And I just don't understand why we had  
22 to put language in that spoke to male or female  
23 impersonators. It just doesn't make sense to me.  
24 I've gotten in most of what I wanted to say so I  
25 would be interested in hearing your response, sir.

1 CHAIRMAN (Rep Sexton): Chairman Todd?

2 REPRESENTATIVE TODD: Thank you, Mr.

3 Speaker.

4 I would clarify for the members that  
5 the wording in that paragraph is copied out  
6 word-for-word out of the current law that we have  
7 on the books. We haven't created any new language  
8 in that paragraph, maybe by adding an "S" or  
9 something; similar entertainers, maybe. But the  
10 rest of that is copied straight out of the law.

11 As a matter of fact, this amendment  
12 that we had that makes the bill, there was a -- in  
13 the senate version, there was one phrase there that  
14 was left out of what the current law has and so we  
15 added that back in to make it, again, consistent  
16 for what's been on the books for literally decades  
17 that was passed long before this majority was in  
18 place.

19 So that's been there. That was what we  
20 dealt with this past summer in my community.  
21 That's what folks went to when they looked up what  
22 can be done about this type of performance in front  
23 of our children and saw that and said, wait a  
24 minute. How can we have such a thing in this  
25 community in a public park when it clearly says

1 "male and female impersonators cannot be in those  
2 locations?" And so that's what started the whole  
3 discussion around the law and around this  
4 particular advertised performance and what we could  
5 do about it.

6 CHAIRMAN (Rep Sexton): Representative  
7 Hardaway --

8 REPRESENTATIVE HARDAWAY: Thank you.

9 And I think you just told me that male  
10 or female impersonators is in current law. I'm not  
11 asking a question right now. I'm going to wait  
12 until I get to the end of my time before I ask  
13 another question. But I, myself, actually had a  
14 bill that I took over from Curry Todd as a matter  
15 of fact that dealt with adult cabarets. I don't  
16 remember seeing that language, and I still would  
17 say to you to hold out the "male or female  
18 impersonators" in this listing of topless dancers  
19 and exotic dancers and strippers. I say that that  
20 unfairly puts them in the --

21 (Microphone turned off.)

22 CHAIRMAN (Rep Sexton): Chairman Todd?

23 REPRESENTATIVE TODD: Thank you,  
24 Mr. Speaker.

25 I renew my motion.

1 CHAIRMAN (Rep Sexton): Thank you.

2 Representative Freeman?

3 REPRESENTATIVE FREEMAN: Thank you,  
4 Mr. Speaker.

5 I'm going to follow along some of the  
6 lines of my colleagues. It troubles me that we are  
7 including male and female impersonators in the same  
8 light as a -- as a stripper. And, you know, there  
9 are several organizations and restaurants here in  
10 Nashville that do, you know, a Sunday drag brunch  
11 that is not sexual in nature, that is normalizing  
12 the transgender community, that is showing those  
13 that come from your community and from all across  
14 our state that they have a place in our state. And  
15 by somehow trying to -- not somehow -- but by  
16 trying to outlaw their existence, we are further  
17 traumatizing Tennesseans.

18 And I guess my question to you -- and I  
19 would ask for brevity. I don't know if I'm going  
20 to get it. But my question to you is what is wrong  
21 with a transgender person that we need to create a  
22 law that makes it so they cannot be in public in  
23 front of children? Why is it a problem for a child  
24 to simply be in the presence of a transgender  
25 person? And I would also challenge the fact that

1 someone is impersonating a male or a female or if  
2 they are -- if they are transgender and/or in drag  
3 because I don't believe that they are  
4 impersonating. I believe that they -- they feel  
5 like that is who they are and why do we need to  
6 tell me who they can be?

7 CHAIRMAN (Rep Sexton): Chairman

8 REPRESENTATIVE TODD: Mr. Speaker, the  
9 language in this is very clear and it is literally  
10 copied out of the definitions that we already have.  
11 So this hang-up with male and female impersonators  
12 we've had on the books for decades. Previous  
13 legislatures passed that. This is just copied out  
14 of that and using that definition to expand on it  
15 and clarify, again, from based on my experience in  
16 our community and what we dealt with with that  
17 definition.

18 So we wanted to make sure that it was  
19 very clear going forward what would be and would  
20 not be caught in this. And as I stated earlier,  
21 this actual -- the other entertainers that are  
22 mentioned here and then the words "similar  
23 entertainers" defined as "entertainment within an  
24 adult-oriented establishment," and then we get into  
25 what's harmful to minors. We've added that as

1 clarity to this so that we don't catch folks that  
2 are just expressing their First Amendment rights  
3 walking down the street or something.

4           So this is -- this is not going in the  
5 direction, I don't believe, where you were thinking  
6 it is. I think it actually is making it more clear  
7 to everyone to be able to understand this.

8           CHAIRMAN (Rep Sexton): Representative  
9 Freeman?

10           REPRESENTATIVE FREEMAN: Thank you.

11           And I appreciate the answer but, again,  
12 I'm going to ask you a direct question.

13           So if somebody is having an all-age  
14 drag brunch and there is no nudity, under this law,  
15 is that required to be an 18-and-up establishment  
16 if it's -- because you keep saying "an  
17 adult-oriented establishment," and I'm not sure --  
18 I'm not sure I understand that term.

19           CHAIRMAN (Rep Sexton): Chairman Todd?

20           REPRESENTATIVE TODD: Thank you, Mr.  
21 Speaker.

22           So as it lays out, it lays out what an  
23 adult cabaret entertainment is in the first  
24 paragraph, A. Then in the next section,  
25 "entertainer" defines that and it's entertainment

1 within an adult-oriented establishment." It also  
2 means "a performance of actual or simulated  
3 specified sexual activities involving removing of  
4 articles of clothing or appearing unclothed  
5 regardless of whether a fee is charged or not," and  
6 "it's harmful to minors."

7 I mean, this fits into, again, what  
8 we've already had into our law -- in our law for  
9 decades and just clarifies so that it's very clear  
10 to performers and average citizens as to what is  
11 allowed.

12 CHAIRMAN (Rep Sexton): Representative  
13 Freeman?

14 REPRESENTATIVE FREEMAN: Thank you for  
15 that.

16 So I'm going to take that as a "yes"  
17 then that if you were just having a drag brunch at  
18 a restaurant here in Nashville that that would be  
19 allowed.

20 I just want to say one quick thing in  
21 six seconds. We're missing this. We need to be  
22 accepting of all Tennesseans, and I hope  
23 that every- --

24 (Microphone turned off.)

25 CHAIRMAN (Rep Sexton): Let the journal



1 reflect Leader Camper is excused.

2 Representative Jones, you are  
3 recognized.

4 REPRESENTATIVE JONES: Thank you,  
5 Mr. Speaker.

6 I was going to rise today and talk  
7 about how this bill is a solution in search of a  
8 problem, but I believe my colleagues on the other  
9 side of the aisle already know that. This is about  
10 erasing a group of people. It is about  
11 fearmongering. It's about waging a cultural war.  
12 It's about manufacturing a crisis to distract from  
13 the failures of this majority to do the will of  
14 everyday Tennesseans and many of you know that.

15 Because the truth be told, if we wanted  
16 to address the issue of obscenity and what is  
17 harmful to minors, my colleagues on the other side  
18 of the aisle would not need a bill in the House of  
19 Representatives. What they would need is a mirror.

20 It is this majority that until last  
21 year defended a member from Waynesboro who admitted  
22 to being a child molester when he was a coach. It  
23 was my members on the other side of the aisle, my  
24 colleague who defended a speaker, the former  
25 speaker, despite his continuous acts of lewd and

1 inappropriate behavior, including with interns. It  
2 was my colleagues on the other side of the aisle  
3 who defended a president who talked about grabbing  
4 women inappropriately with no shame.

5 And so if we want to look --

6 CHAIRMAN (Rep Sexton): Representative  
7 Jones, if you'd like to stay on the bill, that would  
8 be great. If you go off the bill, then we will have  
9 this little debate back and forth. So please stay  
10 on the bill. Thank you.

11 Representative Jones?

12 REPRESENTATIVE JONES: Thank you,  
13 Mr. Speaker.

14 This bill is about obscenity and things  
15 that are harmful to children. That is what I am  
16 staying on, Mr. Speaker.

17 If we want to look at what is seriously  
18 harmful to children, let's have a bill to ban  
19 children from going to these bible camps where they  
20 are being sexually assaulted with the Southern  
21 Baptist Convention. Let's go after real threats to  
22 our youth. Let's go after the predator behavior in  
23 your own districts, clergy in your own  
24 congregations harming youth. Weekly we read about  
25 this in the news, my colleagues.

1           My colleagues, I'm saying this to just  
2 say let's be serious about what this is about.  
3 Let's be serious about what's at stake here. I  
4 want to quote a drag queen and LGBTQ activist and  
5 an icon from the Stonewall uprising, Marsha P.  
6 Johnson, who stated, "How many years does it take  
7 for people to see that we're all brothers and  
8 sisters and human beings in the human race?" You  
9 may not agree with going to drag shows. You  
10 don't -- no one is forcing you to go, but don't try  
11 to erase a whole identity of people because of  
12 hatred and bigotry in your heart.

13           We are constitutionally sworn to take  
14 an oath to vote against any legislation that is  
15 injurious to the people. Attacks on freedom of  
16 expression are injurious to the people. Violating  
17 constitutional rights, injurious to the people.  
18 Scapegoating and instigating violence against a  
19 group of people, injurious to the people.

20           And so I urge my colleagues-- I know  
21 your leadership has told you to vote on this bill  
22 but vote according to what you know is right. Vote  
23 according to what your district knows is not an  
24 issue. This is not no -- I've gotten multiple  
25 calls about this bill from East Nashville to

1 Antioch, across my district, hundreds of calls; not  
2 one person supported this bill. Until this was  
3 filed, no one even knew this was an issue until the  
4 sponsor made it one.

5 And so, colleagues, I ask you to just  
6 do something right. Be on the right side of  
7 history. Let's be about the issues that are  
8 serious to everyday Tennesseans who are suffering  
9 from denied health care, poverty wages, poor public  
10 education systems. Let's not make issues just to  
11 win cheap political points. Let's not manufacture  
12 crisis just so that we can give ourselves a  
13 platform to distract Tennesseans from the failures  
14 of this majority.

15 CHAIRMAN (Rep Sexton): Representative  
16 Jones, you're off the bill. We're moving to the  
17 next one.

18 Representative Clemmons, you're  
19 recognized.

20 REPRESENTATIVE CLEMMONS: Thank you, Mr.  
21 Speaker. Thank you, sponsor.

22 I appreciate my previous colleague's  
23 sentiments about this and the targeting. You know,  
24 often -- though we disagree with legislation, we  
25 try to find the true intent and perhaps the love in

1 a piece of legislation, but I don't see any love in  
2 this legislation. I see hate. And so in addition  
3 to that, my concern with this is the breadth of the  
4 language, Mr. Sponsor. And the breadth of this  
5 language takes direct aim at the local economy of  
6 my city. It takes direct aim at the entertainers  
7 within my city. It takes direct aim with those  
8 small businesses in my community.

9 And so the language of this bill --  
10 now, I don't know if you've ever attended a Beyoncé  
11 concert. Something tells me you haven't. Or a  
12 Harry Styles concert or a Lizzo concert or Madonna  
13 concert -- your language prohibiting -- and the  
14 breadth, the vagueness in this bill would prohibit  
15 those entertainers from performing in my city. It  
16 would prohibit Beyoncé, the Queen Bee herself who  
17 is coming to Nashville this year, this bill would  
18 allow me as a district attorney, by the plain  
19 language of this bill, to arrest Beyoncé.

20 Is that your intended goal here?

21 CHAIRMAN (Rep Sexton): Chairman Todd?

22 REPRESENTATIVE TODD: Thank you, Mr.  
23 Speaker.

24 It is so interesting to me to hear the  
25 opposition to this very simple common sense bill.

1 Most of you in this room know exactly what this  
2 does. You know it's common sense. Anyone that  
3 would stand against a bill that is going to prevent  
4 minors, children, from seeing obscene sexual  
5 activity, I don't know how you claim to be  
6 representing anyone. This is common sense. This  
7 is protecting children first and foremost. We  
8 can -- folks have made up things about this. They  
9 dreamed up things about this. We've got, you know,  
10 media weighing in on it from all over the world  
11 without reading it, without really looking at what  
12 it means. It does exactly what I said it does,  
13 very plain and simple. And I would think an  
14 attorney, of all people, would be able to read this  
15 and certainly understand how simple it is.

16 Thank you, Mr. Speaker.

17 CHAIRMAN (Rep Sexton): Representative  
18 Clemmons?

19 Out of order.

20 Representative Clemmons?

21 REPRESENTATIVE CLEMMONS: Thank you,  
22 Mr. Speaker.

23 You know, it's interesting. We can  
24 find common ground here. Nobody wants a minor in  
25 an establishment with a stripper. There are laws

1 prohibiting that. But your language here, as a  
2 lawyer, that features -- any entertainment that  
3 features a topless dancer -- you could have male  
4 topless dancers. I mean, I guess we're not going  
5 to swimming pools anymore if males aren't allowed  
6 to take their shirts off. So you got male topless  
7 dancers performing in a public venue and that may  
8 or may not have actual or simulated sexual  
9 activities remove -- or included the removal of  
10 articles of clothing, such as a t-shirt.

11 I mean, you -- you could have a  
12 child -- I don't know if you've been to Ascend  
13 Amphitheater. You can watch performances from the  
14 street without entering that venue. So you could  
15 have a 16-year-old walking up the street looking in  
16 a concert -- Beyoncé, Harry Styles, Lizzo -- any --  
17 most any entertainer. And then you're going to  
18 allow a district attorney to go down there and  
19 arrest that entertainer. You are taking direct aim  
20 at Music City USA just because you subjectively may  
21 not agree with it.

22 Now, we talk a lot in this body about  
23 protecting constitutional amendments. So if you  
24 want to have the plain language of the Second  
25 Amendment protected then you better want to have

1 the plain language of the First Amendment  
2 protected, because you can have constitutionally  
3 recognized exceptions but you cannot exclude  
4 individual classes of people because you  
5 subjectively disagree with them or hate them. That  
6 is unconstitutional. Your language is vague and  
7 it's overly broad. This will not stand up in  
8 court. You have wasted all of our time here today  
9 by promoting this legislation.

10 I would ask that you at least make the  
11 effort as an attorney to clean this up to bring it  
12 within constitutional muster so you're not  
13 attacking my local economy.

14 Thank you, Mr. Speaker.

15 CHAIRMAN (Rep Sexton): Chairman Todd,  
16 you're recognized.

17 REPRESENTATIVE TODD: Thank you, Mr.  
18 Speaker.

19 I think the language is extremely  
20 clear. We've had multiple attorneys look over  
21 this. They think it's extremely solid. I'm very  
22 confident, very confident our Attorney General can  
23 stand behind this and defend this without question.

24 CHAIRMAN (Rep Sexton): Representative  
25 Zachary?



1 REPRESENTATIVE ZACHARY: Thank you,  
2 Mr. Speaker.

3 Members, I had not planned on speaking  
4 on this bill but after hearing all of the comments  
5 I thought it was appropriate to provide some actual  
6 context.

7 So in Knox County we had a drag show, a  
8 family-friendly drag show that was set to be at the  
9 Tennessee Theatre. There was a Christmas drag  
10 show. Video surfaced of this show that showed  
11 stripping, simulating of sexual acts, and  
12 inappropriate touching.

13 And so because of that, the mayor and I  
14 engaged the facility. There were some compromises  
15 made but then some videos surfaced that showed  
16 exactly what went on in this drag show. And I'm  
17 extremely thankful for TBI Director Rausch, who is  
18 the former chief of police in Knox County, for  
19 engaging and actually bringing the promoter on, the  
20 promoter agreeing with the director's assessment,  
21 and then agreeing to scale down that show to make  
22 it appropriate for children, which is exactly why  
23 this bill is needed; to ensure that those acts  
24 don't continue in front of children because that  
25 same show two days or three days after Christmas

1 was conducted in Florida without that same filter  
2 and those restrictions and now the state of Florida  
3 is investigating those because there was simulation  
4 of sexual acts, stripping and exposure, and  
5 inappropriate touching.

6 And let's be really clear, really  
7 clear. We as the legislature, we have the ability  
8 per our Constitution to deem what is inappropriate.  
9 And my guess is when we vote and put this on the  
10 board and when we vote on another bill that we put  
11 on the board these were all conversations that  
12 happened during the election cycle.

13 And I need to remind this body and my  
14 colleagues we picked up two additional seats in the  
15 house and the governor, who's a Republican  
16 governor, increased his percentage. So we talked  
17 many times about a mandate from the voters. We  
18 have a mandate from the voters. They agree with us  
19 in protecting children and that's exactly what this  
20 bill does.

21 So I remind my colleagues when we vote  
22 here and we vote now and we're voting on this bill,  
23 it is about protecting children.

24 Thank you, Mr. Speaker.

25 Thank you, Representative Todd, for

1 your boldness in carrying this bill.

2 CHAIRMAN (Rep Sexton): Out of order.

3 Representative Bulso?

4 REPRESENTATIVE BULSO: Thank you, Mr.  
5 Speaker.

6 I've heard three statements made this  
7 morning that I wish to comment on. The first is  
8 the statement on the bill. The second has to do  
9 with the Constitution and the third has to do with  
10 hate.

11 First, it's the obligation of every  
12 member of this body to read and understand the  
13 bills that come before it. When we look at Section  
14 1(a) of Senate Bill 0003, we see that adult cabaret  
15 entertainment is defined to mean "adult-oriented  
16 performances that are harmful to minors" as that  
17 term is defined in 39-17-901.

18 That provision has been ignored by  
19 every question lodged this morning. If you  
20 actually look at 39-17-901, subsection 6, it  
21 provides a definition as to what is harmful to  
22 minors, and it provides for three things.

23 One, the conduct has to be prurient.  
24 It has to appeal to prurient sexual interests.  
25 Number two, it has to be patently offensive. And

1 then third, it can have no redeeming, scientific,  
2 or artistic value.

3 Now, we didn't just make those terms  
4 up. That's the three-part Miller test coming from  
5 our U.S. Supreme Court in 1973 in Miller versus  
6 California. And when you look at Senate Bill 0003,  
7 it defines adult cabaret entertainment to include  
8 conduct that is harmful to minors and -- it doesn't  
9 say "or," it says "and" -- the conduct has to be  
10 obscene as defined by the U.S. Supreme Court in  
11 Miller versus California and it has to involve  
12 topless dancers, go-go dancers and other things.

13 So this idea that somehow just  
14 appearing in public as a male or if you're a female  
15 or Flip Wilson impersonating Geraldine has nothing  
16 to do with this bill. Because to be unlawful, the  
17 conduct, first, has to be obscene as defined by the  
18 U.S. Supreme Court and through 39-17-901, codified  
19 in Tennessee. And then second, it has to involve  
20 topless dancing, go-go dancers, or other such  
21 things. That's point number one on the bill. Look  
22 at the bill, read the bill.

23 Point number two, the Constitution that  
24 you just heard about. This bill is completely  
25 constitutional. It is -- it reeks with

1 constitutional under the First Amendment because  
2 it incorporates the tests that our Supreme Court  
3 adopted in 1973.

4           The third point is hate. Let me say  
5 this about hate and this attitude of intolerance  
6 that is taking over our country, this dictatorship  
7 of relativism. This bill is not born in hate.  
8 This bill is born out of love to protect the  
9 innocence of children, and I am proud to stand with  
10 Representative Todd to support it.

11           CHAIRMAN (Rep Sexton): Out of order.  
12           Representative Warner?

13           REPRESENTATIVE WARNER: Mr. Speaker, I  
14 call for previous question.

15           CHAIRMAN (Rep Sexton): The previous  
16 question has been called.

17           Any objection?

18           We will go on the board. That's fine.  
19 We're voting on previous question.

20           All of those in favor, vote "aye" when  
21 the bell rings; opposed, "no."

22           Has every member voted?

23           Does any member wish to change their  
24 vote?

25           Mr. Clerk, please take the vote.

1 MR. CLERK: Ayes 74; 20 nays.

2 CHAIRMAN (Rep Sexton): The previous  
3 questions prevails.

4 Let the journal reflect that  
5 Representative Beck is excused.

6 We are voting.

7 All of those in favor of Senate Bill  
8 0003 as amended, vote "aye" when the bell rings.  
9 Those opposed, vote "no."

10 Has every member voted?

11 Does any member wish to change their  
12 vote?

13 Mr. Clerk, please take the vote.

14 MR. CLERK: Ayes 74; 19 nays.

15 CHAIRMAN (Rep Sexton): Senate Bill  
16 0003, having received the constitutional majority, I  
17 hereby declare it passed without objection.

18 Motion to reconsider is tabled.

19 Call up the next bill, Mr. Clerk.

20 (WHEREUPON, the Clerk called the next  
21 Senate Bill.)

22 CHAIRMAN (Rep Sexton): Oh, Chairman  
23 Clemmons, you're recognized.

24 ///

25 REPRESENTATIVE CLEMMONS: Thank you,

1 Mr. Speaker.

2 The issue -- and I certainly understand  
3 the members are -- and correct me if I'm wrong. Do  
4 we not have a mechanism under the rules that we are  
5 allowed to have someone recognized to correct a  
6 misstatement made by someone else on the House  
7 floor if it is a blatant, intentional  
8 misrepresentation of the actual facts?

9 CHAIRMAN (Rep Sexton): Mr. Clerk?

10 MR. CLERK: Mr. Speaker, I believe what  
11 the member may be referring to is if a member's  
12 reputation has been called into question they would  
13 have a right or if their name is called they would  
14 have a right to respond. As far as to clear up any  
15 sort of record, that's not the case.

16 CHAIRMAN (Rep Sexton): Chairman  
17 Clemmons?

18 REPRESENTATIVE CLEMMONS: Thank you,  
19 Mr. Speaker, and I appreciate you entertaining the  
20 question on this parliamentary issue.

21 I do find it unfortunate that we are  
22 unable that, if someone makes a blatant  
23 misrepresentation or misstatement of fact, that we  
24 do not have a mechanism whereby that could be  
25 corrected for the public record. I certainly would

1 hate for this body to be tainted with blatant  
2 misstatements in debate on an issue as important as  
3 the last bill.

4 And I'm not speaking with regard to  
5 different interpretations of the Constitution or  
6 anything like that. I'm just -- simple facts about  
7 where something took place and where it did not  
8 take place. Those things matter for the record.  
9 And so I'd just like for us to consider that in the  
10 future if we're able, Mr. Speaker.

11 CHAIRMAN (Rep Sexton): We would have  
12 been on this bill for two hours on the other side  
13 misstating, according to what other people have  
14 said; so it goes both ways.

15 But our policy is if you raise your  
16 hand, you go on the list. If you'd like to clear  
17 up someone's information, you have that right to go  
18 on the list. If someone calls your name, as the  
19 clerk says, then you're able to respond  
20 immediately, or if they impugn someone's reputation  
21 you have the right to immediately respond. Outside  
22 of that, we are in the process that we are in.

23 [END OF SESSION]  
24  
25



\* \* \*

IN THE SENATE FLOOR SESSION - 13th LEGISLATION DAY  
TENNESSEE GENERAL ASSEMBLY

March 2, 2023

(WHEREUPON, On the above date, there  
came up for consideration in the Senate Floor  
Session - 13th Legislation Day, Tennessee General  
Assembly, Senate Bill 0003, sponsored by  
Representative Todd and others. Discussion  
pertaining to this bill was as follows):

MR. CLERK: Item Number 1, Senate Bill  
0003 by Senator Johnson for consideration of House  
Amendment Number 1.

CHAIRMAN (Senator McNally): Leader  
Johnson?

SENATOR JOHNSON: Thank you,  
Mr. Speaker.

The House amendment differs from the  
version of this bill that we passed. It revises  
part of the definition of "entertainer" by  
replacing "a provision of adult cabaret  
entertainment" with a provision of "a performance  
of an actual or simulated specified activities,

1 regardless of whether a fee is charged or accepted  
2 for the performance and regardless of whether the  
3 performance is provided by an employee or an  
4 independent contractor."

5 I move to concur.

6 CHAIRMAN (Senator McNally): Motion is  
7 to concur.

8 Discussion?

9 I see none.

10 We'll be voting on a concurrence motion  
11 on Senate Bill 0001. All of those in favor of  
12 concurrence will vote "aye" -- excuse me -- Senate  
13 Bill 0003.

14 All of those in favor of concurrence  
15 with Amendment Number 1 will vote "aye" when the  
16 bell rings. Those opposed will vote "no."

17 Let every member cast their vote when  
18 the bill rings.

19 Has every member voted?

20 Does any member wish to change their  
21 vote?

22 Mr. Clerk, take the vote.

23 MR. CLERK: Ayes 26; 6 nays.

24 CHAIRMAN (Senator McNally): Senate Bill  
25 0003, having conferred -- having conferred in

1 Amendment Number 1 is adopted.

2 Without objection, the motion to  
3 reconsider is hereby tabled.

4 END OF TRANSCRIPTION

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REPORTER'S CERTIFICATE

STATE OF TENNESSEE

COUNTY OF MONTGOMERY

I, D. ROCHELLE KOENES, Licensed Court Reporter, with offices in Clarksville, Tennessee, hereby certify that I transcribed the foregoing video recordings of Senate Bill 0003, by machine shorthand to the best of my skills and abilities, and thereafter the same was reduced to typewritten form by me.

I am not related to any of the parties named herein, nor their counsel, and have no interest, financial or otherwise, in the outcome of the proceedings.

I further certify that in order for this document to be considered a true and correct copy, it must bear my original signature, and that any unauthorized reproduction in whole or in part and/or transfer of this document is not authorized, will not be considered authentic, and will be in violation of Tennessee Code Annotated 39-14-104, Theft of Services.



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D. ROCHELLE KOENES, RPR, LCR  
Veteran Court Reporting  
Court Reporter  
LCR # 689 - Expires: 6/30/2021

<hr/>	<b>1973</b> 94:5 95:3	<hr/>	47:1 56:10,21
<b>\$</b>	<hr/>	<b>8</b>	57:2 58:6 83:25
<b>\$13</b> 22:8	<b>2</b>	<hr/>	91:11,23 92:4
<b>\$3</b> 22:13	<hr/>	<b>8th</b> 32:2,8	<b>actual</b> 40:18
<hr/>	<b>2</b> 99:4	<hr/>	71:24 80:21 82:2
<b>(</b>	<b>20</b> 23:3 24:13 96:1	<b>9</b>	89:8 91:5 97:8
<hr/>	<b>200</b> 22:10	<hr/>	99:25
<b>(a)</b> 69:6	<b>2023</b> 3:4 30:4 32:4	<b>9</b> 24:23 32:4	<b>add</b> 27:14 58:7
<b>(b)</b> 69:18	62:4 99:4	<b>901</b> 71:12	<b>added</b> 77:15
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